

SIXTY-SECOND DAY

(Tuesday, May 9, 1933)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Hill of Brazoria.
Adamson.	Hill of Webb.
Aikin.	Hodges.
Alexander.	Holekamp.
Alsup.	Holland.
Anderson	Hoskins.
of Bexar.	Huddleston.
Anderson	Hughes.
of Johnson.	Hunt.
Baker.	Hyder.
Barrett.	Jackson.
Barron.	James.
Beck.	Jefferson.
Bourne.	Johnson
Bradley.	of Anderson.
Burns.	Jones of Atascosa.
Butler.	Jones of Runnels.
Calvert.	Jones of Shelby.
Camp.	Kayton.
Canon.	Kyle of Hays.
Cathey.	Kyle of Palo Pinto.
Caven.	Laird.
Celaya.	Latham.
Chastain.	Lemens.
Clayton.	Leonard.
Colson.	Lindsey.
Coombes.	Long.
Cowley.	Lotief.
Crossley.	Mackay.
Daniel.	Magee.
Davidson.	Mathis.
Dean.	McClain.
Devall.	McCullough.
Dunlap.	McDougald.
Dunagan.	McGregor.
Engelhard.	McKee.
Fain.	Merritt.
Few.	Metcalfe.
Fisher.	Mitcham.
Ford.	Moffett.
Fuchs.	Moore.
Glass.	Morrison.
Golson.	Morse.
Good.	Munson.
Goodman.	Nicholson.
Graves.	Palmer.
Greathouse.	Parkhouse.
Griffith.	Patterson.
Haag.	Pavlica.
Hankamer.	Pope.
Harman.	Puryear.
Harris.	Ramsey.
Harrison.	Ratliff.
Hartzog.	Ray.
Head.	Reader.
Hester.	Reed of Bowie.
Hicks.	Reed of Dallas.

Renfro.	Stovall.
Riddle.	Sullivant.
Roberts.	Tarwater.
Rogers of Hunt.	Tennyson.
Rogers	Thomas.
of Ochiltree.	Tillery.
Rollins.	Townsend.
Ross.	Turlington.
Russell.	Van Zandt.
Savage.	Vaughan.
Scarborough.	Wagstaff.
Scott.	Walker.
Shannon.	Weinert.
Shults.	Wells.
Smith.	Winningham.
Stanfield.	Wood.
Steward.	Young.
Stinson.	

Absent

Dwyer.

Absent—Excused

Bedford.	Johnson
Duvall.	of Dimmit.
Holloway.	

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Holloway for today, on motion of Mr. Latham.

Mr. Bedford for yesterday and today, on motion of Mr. Wagstaff.

Mr. Hartzog for today, on motion of Mr. Devall.

Mr. Harrison for yesterday and today, on motion of Mr. Mathis.

Mr. Colson for today, on motion of Mr. Palmer.

The following Members were granted leaves of absence on account of illness:

Mr. Fisher for today and indefinitely, on motion of Mr. Alsup.

Mr. Duvall for yesterday and today, on motion of Mr. Hoskins.

HOUSE BILLS ON FIRST READING

Mr. Rogers of Ochiltree moved to introduce, at this time, and have placed on first reading, the following bill:

The motion prevailed by the following vote:

Yeas—88

Aikin.	Lemens.
Alexander.	Leonard.
Anderson	Lindsey.
of Johnson.	Lotief.
Beck.	Magee.
Bourne.	Mathis.
Bradley.	McClain.
Calvert.	McCullough.
Camp.	McDougald.
Canon.	Metcalfe.
Cathey.	Mitcham.
Caven.	Moffett.
Celaya.	Moore.
Chastain.	Morrison.
Coombes.	Morse.
Crossley.	Munson.
Davidson.	Palmer.
Dean.	Parkhouse.
Devall.	Pavlica.
Engelhard.	Pope.
Fain.	Puryear.
Few.	Ratliff.
Ford.	Reader.
Fuchs.	Reed of Bowie.
Glass.	Reed of Dallas.
Golson.	Renfro.
Good.	Roberts.
Griffith.	Rollins.
Haag.	Ross.
Hankamer.	Russell.
Head.	Scott.
Hicks.	Shults.
Hill of Webb.	Stanfield.
Hodges.	Steward.
Holekamp.	Stinson.
Holland.	Stovall.
Huddleston.	Tarwater.
Hughes.	Tennyson.
Hunt.	Townsend.
Jackson.	Turlington.
James.	Van Zandt.
Jones of Runnels.	Vaughan.
Kyle of Palo Pinto.	Walker.
Laird.	Wells.
Latham.	

Nays—19

Adamson.	Hyder.
Alsup.	Merritt.
Baker.	Nicholson.
Barrett.	Ray.
Burns.	Riddle.
Daniel.	Smith.
Dunagan.	Thomas.
Fisher.	Winningham.
Harris.	Wood.
Hester.	

Absent

Anderson	Dunlap.
of Bexar.	Duvall.
Barron.	Dwyer.
Butler.	Goodman.
Clayton.	Graves.
Cowley.	Greathouse.

Harman.	McKee.
Harrison.	Patterson.
Hartzog.	Ramsey.
Hill of Brazoria.	Rogers of Hunt.
Hoskins.	Rogers
Jefferson.	of Ochiltree.
Johnson	Savage.
of Anderson.	Scarborough.
Jones of Atascosa.	Shannon.
Jones of Shelby.	Sullivant.
Kayton.	Tillery.
Kyle of Hays.	Wagstaff.
Long.	Weinert.
Mackay.	Young.
McGregor.	

Absent—Excused

Bedford.	Johnson
Colson.	of Dimmit.
Holloway.	

The Speaker then laid the following bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Rogers of Ochiltree:

H. B. No. 930, A bill to be entitled "An Act to amend Article 1302, of Title 32, of the Revised Civil Statutes, of the State of Texas, of 1925, relating to the purposes for which private corporations may be formed, by adding thereto a section, to be known as Section 95, so as to provide that corporations may be formed for the purpose of engaging in the business of exterminating moths and termites; with power to acquire, and own all property necessary to conduct such business, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Stinson, Mrs. Hughes, Mr. Parkhouse, and Mr. Savage:

H. B. No. 929, A bill to be entitled "An Act authorizing Dallas County Arcadia Fresh Water Supply District No. 1 to incur indebtedness evidenced by contract, agreement, notes, or warrants, and to borrow money from Reconstruction Finance Corporation, for any purpose incident to its powers and functions, including the construction of repairs, replacements, and extensions to its water system, and to

pay off from and to pledge for the payment thereof, any part of its income or revenues, and to mortgage its properties and facilities; providing for an election to authorize the incurring of indebtedness, and validating any election heretofore held in compliance with the provisions of this Act, etc., and declaring an emergency."

Referred to Committee on Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 71 WITH SENATE AMENDMENTS

Mr. Metcalfe called up, from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 71, Granting John Minica permission to sue the State.

The Speaker laid the resolution before the House, with the Senate amendments.

Mr. Metcalfe moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Metcalfe, Barrett, Scott, Anderson of Johnson, and Townsend.

CONFERENCE COMMITTEE ON SENATE BILL NO. 209

On motion of Mr. Savage, the House granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 209.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Savage, Van Zandt, Camp, Dean, and Duvall.

BILLS LAID ON THE TABLE SUBJECT TO CALL

Mr. Smith moved that House Bill No. 368 be laid on the table subject to call.

The motion prevailed by the following vote:

Yeas—90

Adamson.
Aikin.

Anderson
of Johnson.

Barrett.
Barron.
Beck.
Bourne.
Bradley.
Burns.
Calvert.
Camp.
Celaya.
Chastain.
Clayton.
Coombes.
Crossley.
Daniel.
Davidson.
Dean.
Dunagan.
Engelhard.
Fain.
Few.
Fisher.
Ford.
Fuchs.
Glass.
Golson.
Good.
Graves.
Greathouse.
Haag.
Hankamer.
Harris.
Hester.
Hill of Brazoria.
Holekamp.
Holland.
Hoskins.
Hughes.
Hyder.
Jackson.
James.
Jones of Atascosa.
Jones of Runnels.
Kayton.
Laird.

Latham.
Lemens.
Leonard.
Lindsey.
Lotief.
Magee.
Mathis.
McClain.
McKee.
Merritt.
Metcalf.
Moore.
Morrison.
Morse.
Palmer.
Puryear.
Reader.
Reed of Bowie.
Renfro.
Riddle.
Roberts.
Rogers
of Ochiltree.
Rollins.
Ross.
Savage.
Scott.
Shannon.
Shults.
Smith.
Stanfield.
Steward.
Stinson.
Stovall.
Tarwater.
Tennyson.
Thomas.
Townsend.
Turlington.
Van Zandt.
Vaughan.
Walker.
Wood.
Young.

Nays—19

Alexander.
Alsup.
Baker.
Canon.
Cathey.
Devall.
Goodman.
Griffith.
Head.
Hicks.

Hill of Webb.
Huddleston.
Hunt.
Kyle of Palo Pinto.
Munson.
Ratliff.
Reed of Dallas.
Scarborough.
Wagstaff.

Present—Not Voting

Weinert.

Winningham.

Absent

Anderson
of Bexar.
Butler.
Caven.
Cowley.

Dunlap.
Duvall.
Dwyer.
Harman.
Harrison.

Hartzog.	Moffett.
Hodges.	Nicholson.
Jefferson.	Parkhouse.
Johnson	Patterson.
of Anderson.	Pavlica.
Jones of Shelby.	Pope.
Kyle of Hays.	Ramsey.
Long.	Ray.
Mackay.	Rogers of Hunt.
McCullough.	Russell.
McDougald.	Sullivant.
McGregor.	Tillery.
Mitcham.	Wells.

Absent—Excused

Bedford.	Johnson
Colson.	of Dimmit.
Holloway.	

Mr. Smith gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 368.

Mr. Coombes moved that House Bill No. 672 be laid on the table subject to call.

The motion prevailed.

MOTIONS TO LAY BILLS ON TABLE SUBJECT TO CALL

Mr. Reed of Bowie moved that House Bill No. 84 be laid on the table subject to call.

The motion was lost by the following vote:

Yeas—51

Adamson.	Laird.
Aikin.	Latham.
Alsup.	Lindsey.
Anderson	Lotief.
of Johnson.	Mackay.
Beck.	Magee.
Bourne.	McClain.
Bradley.	Metcalfe.
Burns.	Mitcham.
Canon.	Morrison.
Cathey.	Palmer.
Coombes.	Puryear.
Daniel.	Ratliff.
Davidson.	Reed of Bowie.
Dean.	Riddle.
Fain.	Rogers
Few.	of Ochiltree.
Fisher.	Rollins.
Glass.	Shults.
Goodman.	Smith.
Greathouse.	Stovall.
Hester.	Tennyson.
Holekamp.	Turlington.
Hoskins.	Vaughan.
Huddleston.	Walker.
Jones of Atascosa.	Wood.
Jones of Runnels.	

Nays—57

Alexander.	McCullough.
Baker.	McDougald.
Barrett.	McKee.
Barron.	Merritt.
Camp.	Moffett.
Caven.	Moore.
Chastain.	Morse.
Clayton.	Munson.
Devall.	Nicholson.
Dunlap.	Pavlica.
Dunagan.	Reader.
Engelhard.	Reed of Dallas.
Ford.	Renfro.
Golson.	Roberts.
Haag.	Ross.
Hankamer.	Russell.
Harris.	Scarborough.
Head.	Shannon.
Hicks.	Stanfield.
Hill of Brazoria.	Steward.
Hill of Webb.	Stinson.
Hunt.	Sullivant.
Hyder.	Thomas.
Jackson.	Van Zandt.
James.	Wagstaff.
Kayton.	Weinert.
Kyle of Hays.	Wells.
Leonard.	Winningham.
Mathis.	

Absent

Anderson	Johnson
of Bexar.	of Anderson.
Butler.	Jones of Shelby.
Calvert.	Kyle of Palo Pinto.
Celaya.	Lemens.
Cowley.	Long.
Crossley.	McGregor.
Duvall.	Parkhouse.
Dwyer.	Patterson.
Fuchs.	Pope.
Good.	Ramsey.
Graves.	Ray.
Griffith.	Rogers of Hunt.
Harman.	Savage.
Harrison.	Scott.
Hartzog.	Tarwater.
Hodges.	Tillery.
Holland.	Townsend.
Hughes.	Young.
Jefferson.	

Absent—Excused

Bedford.	Johnson
Colson.	of Dimmit.
Holloway.	

Mr. Kayton moved that House Bill No. 724 be laid on the table subject to call.

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—66

Alsup.	Kayton.
Anderson	Laird.
of Bexar.	Latham.
Anderson	Lemens.
of Johnson.	Magee.
Beck.	McClain.
Bradley.	McCullough.
Calvert.	McGregor.
Clayton.	McKee.
Coombes.	Metcalfe.
Dean.	Moore.
Devall.	Morrison.
Dunlap.	Morse.
Dunagan.	Nicholson.
Engelhard.	Pavlica.
Fisher.	Ratliff.
Ford.	Reader.
Fuchs.	Renfro.
Golson.	Roberts.
Good.	Rogers
Goodman.	of Ochiltree.
Greathouse.	Rollins.
Harris.	Shults.
Harrison.	Smith.
Head.	Steward.
Hester.	Stovall.
Hicks.	Townsend.
Hill of Webb.	Turlington.
Holekamp.	Walker.
Holland.	Weinert.
Hoskins.	Wells.
Huddleston.	Winningham.
James.	Wood.
Jones of Atascosa.	Young.
Jones of Shelby.	

Nays—42

Adamson.	Kyle of Palo Pinto.
Aikin.	Lindsey.
Alexander.	Lotief.
Baker.	McDougald.
Barrett.	Merritt.
Bourne.	Mitcham.
Burns.	Munson.
Camp.	Puryear.
Canon.	Reed of Bowie.
Cathey.	Reed of Dallas.
Chastain.	Ross.
Daniel.	Russell.
Fain.	Scarborough.
Few.	Stanfield.
Glass.	Stinson.
Hankamer.	Tarwater.
Hodges.	Tennyson.
Hunt.	Thomas.
Hyder.	Van Zandt.
Jackson.	Vaughan.
Jones of Runnels.	Wagstaff.

Present—Not Voting

Moffett.

Absent

Barron.	Caven.
Butler.	Celaya.

Cowley.	Long.
Crossley.	Mackay.
Davidson.	Mathis.
Duvall.	Palmer.
Dwyer.	Parkhouse.
Graves.	Patterson.
Griffith.	Pope.
Haag.	Ramsey.
Harman.	Ray.
Hartzog.	Riddle.
Hill of Brazoria.	Rogers of Hunt.
Hughes.	Savage.
Jefferson.	Scott.
Johnson	Shannon.
of Anderson.	Sullivant.
Kyle of Hays.	Tillery.
Leonard.	

Absent—Excused

Bedford.	Johnson
Colson.	of Dimmit.
Holloway.	

GRANTING J. B. DUNLAP PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 36, Granting J. B. Dunlap permission to sue the State.

Whereas, Heretofore the State of Texas, acting by and through its Highway Commission, after having duly and properly advertised for same, opened bids or proposals on S. P. 670-C, which called for certain road construction in Bell County, Texas; and

Whereas, On opening such bids it was found that J. B. Dunlap, doing business under the name of J. B. Dunlap Company, was the lowest and best bidder and offered in his bid to do the work at a lower price than any other person or firm bidding on such project; and

Whereas, Thereafter the State of Texas, acting through its Highway Commission awarded the contract for the construction of said road to J. B. Dunlap, doing business under the trade name of J. B. Dunlap Company; and

Whereas, Thereafter a supplemental contract was entered into between the State of Texas, acting by and through its Highway Commission and the said J. B. Dunlap, operating under the trade name of J. B. Dunlap Company, for the construction of some additional work known as S. P. 670-C supplemental; and

Whereas, J. B. Dunlap did all the work called for in the plans and specifications under both contracts, and after the completion of said work filed a claim against the State of Texas with the Highway Commission, asserting that the State had not fully paid him for all the work done in connection with these two contracts; and

Whereas, The State of Texas, acting by and through its Highway Commission, has failed to pay said claim or any part thereof and does not desire to pass on the questions involved in said claim, in many instances being questions of fact which should be determined by the court or jury to the end that justice might obtain between the State and the contractor; and

Whereas, Under the Constitution and laws of this State a suit cannot be maintained against the State of Texas without the consent of the Legislature; and

Whereas, The Legislature desires to consent that the said J. B. Dunlap may bring a suit in one of the district courts of Travis County, Texas, on the above-mentioned claims; now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That permission be, and same is hereby, granted to J. B. Dunlap to sue the State of Texas in one of the district courts of Travis County on said claims, and the Legislature of the State of Texas consents that such suit may be filed and maintained by J. B. Dunlap on the above-mentioned claim in one of the district courts of Travis County, Texas. Be it further

Resolved, That should J. B. Dunlap recover a judgment against the State of Texas in such suit that the judgment thus obtained, if any, shall be paid by the State through its Highway Commission out of any funds heretofore or hereafter appropriated to or for the use of the Highway Commission of the State of Texas. Be it further

Resolved, That J. B. Dunlap shall give the necessary cost bond as in other civil suits, and either party shall have the right of appeal from any judgment rendered in the court in which said suit may be filed. Be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the Legislature has consented to such suit being filed and maintained on said claim, and that the State has consented to be sued by J. B. Dunlap in connection with the above-mentioned claim.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

GRANTING E. G. POWELL PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 37, Granting E. G. Powell permission to sue the State.

Whereas, On the first day of December, 1930, the State of Texas, acting by and through its Highway Commission, after having duly and properly advertised for same, opened bids or proposals on S. P. 908-b, which called for the construction of the project covering certain excavation, grading, and drainage structures on 12.855 miles of Highway No. 20, beginning at the west line of Gillespie County and extending eastward; and

Whereas, On opening such bids, it was found that E. G. Powell was the lowest and best bidder and offered in his bid and proposal to do the work at a lower price than any other person or firm bidding on such project; and

Whereas, Thereafter, the State of Texas, through its Highway Commission, awarded the contract for the construction of said road to E. G. Powell, and entered into appropriate contract with said Powell to perform the work in accordance with the specifications which had been prepared by the Highway Department; and

Whereas, E. G. Powell did all the work called for in the plans and specifications, and after the completion of said work filed a claim against the State of Texas with the Highway Commission, asserting that the State had not fully and completely paid him for all the work done in connection with this project; and

Whereas, The State of Texas, acting by and through its Highway Commission, has declined to pay said claim or any part thereof and does not desire to pass on the questions involved in this claim, in many instances being questions of fact which should be determined by the court or jury, to the end that justice might obtain between the State and the contractor; and

Whereas, Under the Constitution and laws of this State, a suit cannot be maintained against the State of Texas without the consent of the Legislature; and

Whereas, The Legislature of Texas desires to consent that the said E. G. Powell might bring suit against the State of Texas in connection with the above project; now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That permission be, and same is hereby, granted to E. G. Powell to sue the State of Texas in one of the district courts of Travis County, Texas, on said claim, and the Legislature of the State of Texas consents that such suit may be filed and maintained by E. G. Powell on the above-mentioned claim in one of the district courts of Travis County, Texas. Be it further

Resolved, That should E. G. Powell recover a judgment against the State of Texas in such suit, that the judgment thus obtained, if any, shall be paid by the State through its Highway Commission out of any funds heretofore or hereafter appropriated to or for the use of the Highway Commission of the State of Texas. Be it further

Resolved, That E. G. Powell shall give the necessary cost bond as in other civil suits, and either party shall have the right of appeal from any judgment rendered in the court in which said suit may be filed. Be it further

Resolved, That a certified copy of this resolution, when presented to the district court in which the suit is pending, shall be conclusive evidence that the Legislature has consented to such suit being filed and maintained on said claim and that the State has consented to be sued by E. G. Powell in connection with the above-mentioned claim.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

GRANTING A. A. OSTERMAYER PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 39, Granting A. A. Ostermayer permission to sue the State.

Whereas, A. A. Ostermayer, of Galveston, Texas, instituted a certain suit in the District Court of Galveston County during the December, 1932, term of said court against W. R. Ely, Cone Johnson, and D. K. Martin, constituting and composing the State Highway Commission of the State of Texas, at the time of filing of said suit; and

Whereas, Said suit is entitled as A. A. Ostermayer vs. W. R. Ely et al., and numbered 48,704, on the docket of said court; and

Whereas, The purpose of said Ostermayer in filing said suit as aforesaid was and is to establish his legal title to certain real property set out and described in said suit, and for a matter of convenience is again set out herein as follows:

First Tract: A portion of that certain tract conveyed to plaintiff, deed recorded in Volume 421, pages 285-87, of the Deed Records of Galveston County, Texas, described as follows: Commencing at the Southwest corner of fractional Block 55, Subdivision "K" of the Cook and Stewart Subdivision to the Town of La Marque; situated in the John D. Moore League as shown by map and plat thereof, recorded in Vol. 81, page 526, of the Deed Records of Galveston County, Texas; thence along the said South line of said fractional Block 55 to a point where said boundary line is intersected by the Westerly Boundary Line of present State Highway No. 6 for the Southwest corner of this tract; thence East along said South Boundary Line of fractional Block 55, as extended to the West Boundary Line of Fourth Avenue; thence North along the West Boundary Line of Fourth Avenue to the Westerly Boundary Line of G. H. & H. Railroad right-of-way; thence Northwest along said right-of-

way to Prune Street; thence West along the South Boundary Line of Prune Street, same being also the North Boundary Line of said Fractional Block 55, to a point where the North Line of said Fractional Block 55 is intersected by the Westerly Boundary Line of present State Highway No. 6, same being a distance of approximately 125 feet; thence in a Southeasterly direction along the Westerly Boundary Line of said State Highway No. 6 to the place of beginning. Said described strip of land being now used for, and composed of, that part of said State Highway No. 6 abutting and adjoining said Fractional Block 55 on the East and said G. H. & H. Railroad right-of-way on the West, and lying immediately between said Fractional Block 55 and said G. H. & H. Railroad right-of-way and measuring approximately 342 feet in length by 125 feet in width.

Second Tract: Beginning at a point on the East Boundary Line of Block 62, Subdivision "K" of the Cook and Stewart Subdivision to the Town of La Marque, situated in the John D. Moore League, according to the map and plat thereof as is recorded in Vol. 81, page 526 of the Deed Records of Galveston County, Texas, at a point where said boundary line is intersected by the Westerly Boundary Line of said State Highway No. 6; thence North along said East Boundary Line of said Block 62 to the Northeast corner of said Block 62; thence West along the North Boundary Line of said Block 62 to a point where said North Boundary Line is intersected by the Westerly Boundary Line of said Highway No. 6; thence along the Westerly Boundary Line of said Highway No. 6 to the point of beginning; and

Whereas, It appears that the above described property was taken and used for the purpose of constructing and maintaining said State Highway No. 6 without condemnation proceedings, purchase, and without adequate compensation therefor; and

Whereas, A judgment against the State Highway Department for the legal title to the above described real property will not, without joinder of the State of Texas in said suit, entitle the said Ostermayer to recover from the said State Highway Department or from the State of Texas ade-

quate compensation in money for the reasonable value of said land at the time of its taking as aforesaid, together with interest thereon from that date, as may be established by said suit until paid; and

Whereas, Article No. I, Section 17, of the Constitution of the State of Texas, provides that, "No person's property shall be taken, damaged or destroyed for, or apply to, public use without adequate compensation being made, unless by the consent of such person"; and

Whereas, The said A. A. Ostermayer and his predecessors in title has at no time consented to the taking of the above-described property with or without compensation; and

Whereas, By the proper proceedings the said State Highway Department and/or the State of Texas, may by cross-action in said suit institute condemnation proceedings against the above described property and thereby secure a title to same for the purpose for which the said property is now being used; and

Whereas, If the legal title to such property has not been heretofore divested from the said A. A. Ostermayer and his predecessors in title, then the said A. A. Ostermayer is entitled to adequate compensation for said property; and

Whereas, All questions pertaining to the legal title to said property and its reasonable value thereof will be litigated and determined in a court of competent jurisdiction; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said A. A. Ostermayer be given consent to make the State a party defendant in the above styled cause, for the purpose of recovering a money judgment for the proper and reasonable value of the above described real property, should the legal title to said described real estate be finally determined and adjudged to be vested in the said A. A. Ostermayer, and used for the said public purpose by the State Highway Department unlawfully and without adequate compensation having been made to the said A. A. Ostermayer.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

MEMORIALIZING PRESIDENT ROOSEVELT IN REGARD TO OIL INDUSTRY

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 57, Relative to oil industry.

Whereas, It is currently reported in Austin that certain influences are bearing upon the National Administration in Washington in an effort to persuade the President of the United States to appoint a Federal director for the oil industry of the United States; and

Whereas, The Legislature of the State of Texas has recently conducted a thorough investigation of the oil industry within the State of Texas, and has come to the conclusion that the industry in this State will, in due time, work itself out under the regulatory laws and the co-operation of the Railroad Commission of the State; and

Whereas, It is against the genius of a free people to submit to centralized dictation in the conduct of its commercial and industrial enterprises in the absence of a National emergency; and

Whereas, No National emergency exists at this time that would warrant the people of Texas relinquishing their rights to operate their business enterprises as a free and independent people, subject only to the statutory and constitutional laws of the State and of the United States; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That we do hereby request the President of the United States not to appoint a director or dictator for the oil industry of this Nation in so far as such appointment may apply to the State of Texas; that regardless of conditions within the industry that may be peculiar to other oil-producing States, the State of Texas is able, without the interference of Federal authorities, to manage her own affairs; and be it further

Resolved, That a copy of this resolution be mailed to each Member from Texas of the United States Congress, to the Secretary of the Interior of the United States, and to the great President of our United States.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 70 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 70, A bill to be entitled "An Act to amend Article 904, Penal Code of the State of Texas, 1925, relating to fees for hunting by a resident of this State hunting outside of the county of his residence, and to non-residents and aliens hunting in this State, fixing the fees for same; providing for the issuance of such licenses; etc."

The bill was read third time.

Mr. Alsop offered the following amendment to the bill:

Amend House Bill No. 70 by adding, at the end of Section 2, the following:

"Provided, however, that the provisions of this Act shall not be applicable to the following named counties, to wit: Panola, Angelina, Tyler, Cherokee, Crosby, Lubbock, Hockley, Cochran, Lynn, Terry, Yoakum, Dawson, Gaines, Shelby, Sabine, San Augustine, Nacogdoches, Walker, San Jacinto, Smith, Hopkins, Collingsworth, Donley, Wheeler, Gray, Polk, Trinity, Hamilton, Coryell, Runnels, Concho, Coke, Orange, Jefferson."

Signed — Alsop, Laird, Glass, Baker, Thomas, Jones of Shelby, Ramsey, Tillery, Burns, Mitcham, Magee, Hunt, Puryear, Jones of Runnels, McDougald, McKee.

Mr. Lemens moved to table the amendment by Mr. Alsop.

The motion prevailed by the following vote:

Yeas—64

Adamson.	Crossley.
Alexander.	Devall.
Anderson	Engelhard.
of Bexar.	Fain.
Anderson	Fuchs.
of Johnson.	Golson.
Barrett.	Graves.
Beck.	Haag.
Bradley.	Hankamer.
Cathey.	Harman.
Caven.	Harris.
Chastain.	Hartzog.
Coombes.	Hill of Brazoria.

Hill of Webb.	Reader.
Holekamp.	Reed of Dallas.
Hughes.	Renfro.
Hyder.	Riddle.
Jackson.	Rogers
Jefferson.	of Ochiltree.
Kayton.	Rollins.
Kyle of Palo Pinto.	Ross.
Lemens.	Russell.
Mackay.	Savage.
Merritt.	Scarborough.
Metcalfe.	Shults.
Moffett.	Smith.
Moore.	Steward.
Morse.	Stinson.
Munson.	Van Zandt.
Nicholson.	Wagstaff.
Palmer.	Weinert.
Parkhouse.	Wells.
Ratliff.	Young.
Ray.	

Nays—55

Aikin.	Latham.
Alsup.	Lindsey.
Baker.	Lotief.
Barron.	Magee.
Bourne.	McClain.
Burns.	McDougald.
Butler.	McKee.
Camp.	Morrison.
Canon.	Pavlica.
Celaya.	Pope.
Colson.	Puryear.
Daniel.	Ramsey.
Dunagan.	Reed of Bowie.
Few.	Roberts.
Fisher.	Rogers of Hunt.
Glass.	Scott.
Goodman.	Stanfield.
Harrison.	Stovall.
Head.	Tarwater.
Hicks.	Tennyson.
Hodges.	Thomas.
Holland.	Tillery.
Huddleston.	Turlington.
James.	Vaughan.
Jones of Runnels.	Walker.
Jones of Shelby.	Winningham.
Kyle of Hays.	Wood.
Laird.	

Absent

Calvert.	Johnson
Clayton.	of Anderson.
Cowley.	Jones of Atascosa.
Davidson.	Leonard.
Dean.	Long.
Dunlap.	Mathis.
Dwyer.	McCullough.
Ford.	McGregor.
Good.	Mitcham.
Greathouse.	Patterson.
Griffith.	Shannon.
Hester.	Sullivan.
Hoskins.	Townsend.
Hunt.	

Absent—Excused

Bedford.	Johnson
Duvall.	of Dimmit.
Holloway.	

Mr. Moore moved the previous question on the pending amendments on the Speaker's desk and the bill, and the main question was ordered.

Mr. Tarwater offered the following amendment to the bill:

Amend House Bill No. 70 by adding, at the end of Section 2, the following: "Provided, however, the provisions of this Act shall not be applicable to the following named counties: Hale, Floyd, Briscoe, Lamb, Castro, Bailey, Parmer, Swisher, Kaufman, Hunt, Rains, Potter, Armstrong, Deaf Smith, Randall, Carson, Oldham, Wise, Bee, San Patricio, Refugio, Aransas, Wilson, Karnes, Falls, Ellis, Robertson, Hill, Navarro."

TARWATER,
HODGES,
MORRISON.

The amendment was lost.

Mr. Lotief offered the following amendment to the bill:

Amend House Bill No. 70 by adding the following: "Providing, however, the provision of this Act shall not apply to Callahan, Eastland, Milam, Fayette, Lee, Burleson, and Bowie Counties."

LOTIEF,
CAMP,
REED of Bowie,
JAMES.

The amendment was lost.

Mr. Scott offered the following amendment to the bill:

Amend House Bill No. 70, page 2, at end of Section 2, by adding: "Providing this shall not apply to the hunting and killing of ducks when they are destroying farmers' crops."

SCOTT,
DUNAGAN.

The amendment was lost.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 70, committee amendment, page 1, line 34, by striking out the word "seventeen" and

inserting in lieu thereof the following: "eighty-five."

The amendment was lost.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 70 by striking out the enacting clause.

The amendment was lost by the following vote:

Yeas—55

Aikin.	Laird.
Alsup.	Lotief.
Baker.	Magee.
Barron.	McClain.
Bourne.	McDougald.
Burns.	McKee.
Canon.	Merritt.
Celaya.	Mitcham.
Chastain.	Morrison.
Cowley.	Munson.
Fain.	Pavlica.
Few.	Pope.
Fisher.	Puryear.
Glass.	Ramsey.
Golson.	Reed of Bowie.
Goodman.	Riddle.
Greathouse.	Roberts.
Harrison.	Rogers of Hunt.
Head.	Smith.
Hodges.	Stanfield.
Huddleston.	Stovall.
Hyder.	Tarwater.
James.	Tennyson.
Johnson	Thomas.
of Anderson.	Tillery.
Jones of Runnels.	Vaughan.
Jones of Shelby.	Walker.
Kyle of Hays.	Winningham.

Nays—71

Adamson.	Good.
Alexander.	Graves.
Anderson	Griffith.
of Bexar.	Haag.
Anderson	Hankamer.
of Johnson.	Harman.
Beck.	Harris.
Bradley.	Hill of Brazoria.
Butler.	Hill of Webb.
Cathey.	Holekamp.
Caven.	Holland.
Clayton.	Hughes.
Colson.	Jackson.
Coombes.	Jefferson.
Crossley.	Kayton.
Daniel.	Kyle of Palo Pinto.
Dean.	Latham.
Devall.	Lemens.
Dunlap.	Mackay.
Dunagan.	Mathis.
Engelhard.	McGregor.
Ford.	Metcalfe.

Moffett.	Russell.
Moore.	Savage.
Morse.	Scarborough.
Nicholson.	Scott.
Palmer.	Shannon.
Parkhouse.	Shults.
Patterson.	Steward.
Ratliff.	Stinson.
Ray.	Sullivant.
Reader.	Townsend.
Reed of Dallas.	Turlington.
Rogers	Van Zandt.
of Ochiltree.	Wagstaff.
Rollins.	Weinert.
Ross.	Young.

Absent

Barrett.	Hunt.
Calvert.	Jones of Atascosa.
Camp.	Leonard.
Davidson.	Lindsey.
Dwyer.	Long.
Fuchs.	McCullough.
Hester.	Renfro.
Hicks.	Wells.
Hoskins.	Wood.

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Hartzog.	of Dimmit.

Mr. Reed of Bowie offered the following amendment to the bill:

Amend House Bill No. 70 by striking out all below Section 1.

REED of Bowie,
LOTIEF.

The amendment was lost by the following vote:

Yeas—53

Aikin.	Huddleston.
Alsup.	Hughes.
Baker.	Hunt.
Barron.	Hyder.
Bourne.	James.
Canon.	Jones of Runnels.
Cathey.	Jones of Shelby.
Chastain.	Kyle of Hays.
Cowley.	Laird.
Daniel.	Lindsey.
Davidson.	Lotief.
Fain.	Magee.
Few.	McClain.
Glass.	McDougald.
Goodman.	Mitcham.
Greathouse.	Morrison.
Harrison.	Pavlica.
Head.	Pope.
Hodges.	Puryear.

Ramsey.	Tarwater.
Reed of Bowie.	Tennyson.
Riddle.	Thomas.
Roberts.	Tillery.
Rogers of Hunt.	Vaughan.
Scott.	Walker.
Stanfield.	Winningham.
Stovall.	

Nays—73

Adamson.	Latham.
Alexander.	Lemens.
Anderson	Leonard.
of Johnson.	Mackay.
Barrett.	Mathis.
Beck.	Merritt.
Bradley.	Metcalfe.
Butler.	Moffett.
Caven.	Moore.
Clayton.	Morse.
Colson.	Munson.
Coombes.	Nicholson.
Crossley.	Palmer.
Dean.	Parkhouse.
Devall.	Patterson.
Dunlap.	Ratliff.
Dunagan.	Ray.
Engelhard.	Reader.
Fisher.	Reed of Dallas.
Ford.	Renfro.
Golson.	Rogers
Good.	of Ochiltree.
Graves.	Rollins.
Griffith.	Ross.
Haag.	Russell.
Hankamer.	Shannon.
Harman.	Shults.
Harris.	Smith.
Hicks.	Steward.
Hill of Brazoria.	Stinson.
Hill of Webb.	Sullivant.
Holekamp.	Townsend.
Jackson.	Turlington.
Jefferson.	Van Zandt.
Johnson	Wagstaff.
of Anderson.	Weinert.
Kayton.	Wood.
Kyle of Palo Pinto.	Young.

Absent

Anderson	Hoskins.
of Bexar.	Jones of Atascosa.
Burns.	Long.
Calvert.	McCullough.
Camp.	McGregor.
Celaya.	McKee.
Dwyer.	Savage.
Fuchs.	Scarborough.
Hester.	Wells.
Holland.	

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Hartzog.	of Dimmit.

Mr. Lotief offered the following amendment to the bill:

Amend House Bill No. 70 to committee amendment, page 1, line 36, by inserting after the word "quail" the word "ducks."

LOTIEF,
DUNAGAN.

The amendment was lost.

House Bill No. 70 was then passed by the following vote:

Yeas—65

Alexander.	Lemens.
Beck.	Leonard.
Bradley.	Mathis.
Butler.	McGregor.
Camp.	Merritt.
Cathey.	Metcalfe.
Caven.	Moffett.
Clayton.	Moore.
Colson.	Palmer.
Coombes.	Parkhouse.
Crossley.	Patterson.
Daniel.	Ray.
Devall.	Reed of Dallas.
Dunlap.	Renfro.
Dunagan.	Riddle.
Engelhard.	Rogers
Ford.	of Ochiltree.
Fuchs.	Rollins.
Good.	Ross.
Graves.	Russell.
Griffith.	Savage.
Haag.	Scarborough.
Hankamer.	Scott.
Harman.	Shannon.
Hill of Brazoria.	Shults.
Hill of Webb.	Steward.
Holekamp.	Stinson.
Holland.	Townsend.
Hughes.	Turlington.
Jackson.	Van Zandt.
James.	Vaughan.
Kayton.	Weinert.
Kyle of Palo Pinto.	Young.

Nays—58

Adamson.	Glass.
Aikin.	Golson.
Alsup.	Goodman.
Baker.	Greathouse.
Barron.	Harrison.
Bourne.	Head.
Burns.	Hicks.
Canon.	Hodges.
Chastain.	Huddleston.
Cowley.	Hyder.
Dean.	Johnson
Fain.	of Anderson.
Few.	Jones of Runnels.
Fisher.	Jones of Shelby.

Kyle of Hays.	Puryear.
Laird.	Ramsey.
Latham.	Ratliff.
Lindsey.	Reed of Bowie.
Lotief.	Roberts.
Mackay.	Rogers of Hunt.
Magee.	Stanfield.
McClain.	Stovall.
McDougald.	Tarwater.
McKee.	Tennyson.
Mitcham.	Thomas.
Morrison.	Tillery.
Munson.	Wagstaff.
Nicholson.	Walker.
Pavlica.	Winningham.
Pope.	

Present—Not Voting

Hunt.

Absent

Anderson	Hoskins.
of Bexar.	Jefferson.
Anderson	Jones of Atascosa.
of Johnson.	Long.
Barrett.	McCullough.
Calvert.	Morse.
Celaya.	Reader.
Davidson.	Smith.
Dwyer.	Sullivant.
Harris.	Wells.
Hester.	Wood.

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Hartzog.	of Dimmit.

Mr. Vaughan moved to reconsider the vote by which the bill was passed.

Mr. Moore moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—60

Alexander.	Devall.
Anderson	Dunlap.
of Johnson.	Engelhard.
Beck.	Ford.
Bradley.	Good.
Butler.	Graves.
Caven.	Griffith.
Clayton.	Haag.
Colson.	Hankamer.
Coombes.	Harman.
Crossley.	Hester.
Dean.	Hill of Brazoria.

Hill of Webb.	Palmer.
Holekamp.	Parkhouse.
Holland.	Patterson.
Hughes.	Ray.
Jackson.	Reed of Dallas.
Jones of Atascosa.	Renfro.
Kayton.	Rogers
Kyle of Palo Pinto.	of Ochiltree.
Lemens.	Rollins.
Leonard.	Russell.
Long.	Savage.
Mathis.	Scarborough.
McGregor.	Shults.
Merritt.	Stinson.
Metcalf.	Sullivant.
Moffett.	Townsend.
Moore.	Turlington.
Morse.	Van Zandt.
Nicholson.	Weinert.

Nays—72

Adamson.	Laird.
Aikin.	Latham.
Alsup.	Lindsey.
Baker.	Lotief.
Barron.	Mackay.
Bourne.	Magee.
Burns.	McClain.
Calvert.	McCullough.
Camp.	McDougald.
Canon.	McKee.
Cathey.	Mitcham.
Chastain.	Morrison.
Cowley.	Munson.
Daniel.	Pavlica.
Davidson.	Pope.
Dunagan.	Puryear.
Fain.	Ramsey.
Few.	Ratliff.
Fisher.	Reed of Bowie.
Fuchs.	Riddle.
Glass.	Roberts.
Golson.	Rogers of Hunt.
Goodman.	Scott.
Greathouse.	Shannon.
Harrison.	Smith.
Head.	Stanfield.
Hodges.	Stovall.
Huddleston.	Tarwater.
Hunt.	Tennyson.
Hyder.	Thomas.
James.	Tillery.
Jefferson.	Vaughan.
Johnson	Wagstaff.
of Anderson.	Walker.
Jones of Runnels.	Winningham.
Jones of Shelby.	Young.
Kyle of Hays.	

Absent

Anderson	Dwyer.
of Bexar.	Harris.
Barrett.	Hicks.
Celaya.	Hoskins.
Duvall.	Reader.

Ross.
Steward.

Wells.
Wood.

Absent—Excused

Bedford.
Hartzog.
Holloway.

Johnson
of Dimmit.

Question then recurring on the motion to reconsider the vote, it prevailed by the following vote:

Yeas—73

Adamson.	Jones of Shelby.
Aikin.	Kyle of Hays.
Alsup.	Laird.
Baker.	Latham.
Barrett.	Lindsey.
Barron.	Lotief.
Bourne.	Magee.
Burns.	Mackay.
Calvert.	McClain.
Camp.	McDougald.
Canon.	McKee.
Cathey.	Mitcham.
Celaya.	Morrison.
Chastain.	Munson.
Cowley.	Nicholson.
Daniel.	Pavlica.
Davidson.	Pope.
Dunagan.	Puryear.
Fain.	Ramsey.
Few.	Ratliff.
Fisher.	Reed of Bowie.
Fuchs.	Roberts.
Glass.	Rogers of Hunt.
Golson.	Scott.
Goodman.	Shults.
Greathouse.	Smith.
Harrison.	Stanfield.
Head.	Stovall.
Hicks.	Tarwater.
Hodges.	Tennyson.
Huddleston.	Thomas.
Hunt.	Tillery.
Hyder.	Vaughan.
James.	Wagstaff.
Johnson	Walker.
of Anderson.	Winningham.
Jones of Runnels.	Young.

Nays—57

Alexander.	Dunlap.
Anderson	Engelhard.
of Johnson.	Ford.
Beck.	Good.
Butler.	Graves.
Caven.	Griffith.
Clayton.	Hankamer.
Colson.	Harman.
Coombes.	Hill of Brazoria.
Crossley.	Holekamp.
Dean.	Hoskins.
Devall.	Hughes.

Jackson.	Reed of Dallas.
Jefferson.	Renfro.
Jones of Atascosa.	Rogers
Kayton.	of Ochiltree.
Kyle of Palo Pinto.	Rollins.
Lemens.	Russell.
Leonard.	Savage.
Long.	Scarborough.
Mathis.	Shannon.
McGregor.	Steward.
Merritt.	Stinson.
Metcalfe.	Townsend.
Moffett.	Turlington.
Moore.	Van Zandt.
Morse.	Weinert.
Palmer.	Wells.
Patterson.	Wood.
Ray.	

Absent

Anderson	Holland.
of Bexar.	McCullough.
Bradley.	Parkhouse.
Dwyer.	Reader.
Haag.	Riddle.
Harris.	Ross.
Hester.	Sullivant.
Hill of Webb.	

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Hartzog.	of Dimmit.

Mr. Calvert offered the following amendment to the bill:

Amend House Bill No. 70 by striking out Sections 2, 3, 4, 5, 6, 7, 8, and 9, and inserting in lieu thereof the following:

“Section 2. That Article 904, Penal Code, 1925, State of Texas, be amended to hereafter read as follows:

“‘Article 904. No citizen of this State shall hunt outside of the county of his residence with a gun without first having procured from the Game, Fish, and Oyster Commission, or one of his deputies, or from any county clerk in this State, a license to hunt, and for which he shall pay either of such officers the sum of three dollars (\$3.00); fifteen cents of which amount shall be retained by said officer as his fee for collecting.

“‘The fee for a non-resident citizen or alien hunting license shall be twenty-five dollars (\$25); three dollars (\$3.00) of such amount shall be retained by the officer issuing such license as his fee for collecting, issuing, and making report on license so

issued and for remitting the remaining twenty-two dollars (\$22) to the Game, Fish, and Oyster Commission.

"Any person hunting with a gun out of the county of his residence, without a license authorizing him to hunt out of the county of his residence, or any person who fails or refuses on demand by any officer to show such officer his hunting license required of him by this article, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than ten dollars (\$10), nor more than one hundred dollars (\$100); provided, that the provisions of this article, requiring hunting license, shall not apply to persons under seventeen years of age."

Mr. Pope moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question first recurring on the amendment by Mr. Calvert, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 70 was then passed by the following vote:

Yeas—82

Alexander.	Harman.
Anderson	Hicks.
of Johnson.	Hill of Brazoria.
Beck.	Hill of Webb.
Bradley.	Holekamp.
Butler.	Holland.
Calvert.	Hoskins.
Camp.	Hughes.
Cathey.	Hyder.
Caven.	Jackson.
Celaya.	Jefferson.
Clayton.	Jones of Atascosa.
Colson.	Kyle of Palo Pinto.
Coombes.	Lemens.
Crossley.	Long.
Daniel.	Mackay.
Dean.	Mathis.
Devall.	McClain.
Dunlap.	McGregor.
Dunagan.	Merritt.
Engelhard.	Metcalfe.
Ford.	Mitcham.
Fuchs.	Moffett.
Golson.	Moore.
Good.	Morse.
Graves.	Munson.
Griffith.	Palmer.
Hankamer.	Parkhouse.

Patterson.	Shannon.
Ratliff.	Shults.
Ray.	Smith.
Reader.	Steward.
Reed of Dallas.	Stinson.
Renfro.	Townsend.
Riddle.	Turlington.
Rogers	Van Zandt.
of Ochiltree.	Wagstaff.
Rollins.	Walker.
Russell.	Weinert.
Savage.	Wells.
Scarborough.	Winningham.
Scott.	Wood.

Nays—50

Adamson.	Kyle of Hays.
Aikin.	Laird.
Alsup.	Latham.
Baker.	Lindsey.
Barrett.	Lotief.
Barron.	Magee.
Bourne.	McDougald.
Burns.	McKee.
Canon.	Morrison.
Chastain.	Nicholson.
Cowley.	Pavlica.
Davidson.	Pope.
Fain.	Puryear.
Few.	Ramsey.
Fisher.	Reed of Bowie.
Glass.	Roberts.
Goodman.	Rogers of Hunt.
Harrison.	Stanfield.
Head.	Stovall.
Huddleston.	Tarwater.
Hunt.	Tennyson.
James.	Thomas.
Johnson	Tillery.
of Anderson.	Vaughan.
Jones of Runnels.	Young.
Jones of Shelby.	

Absent

Anderson	Hodges.
of Bexar.	Kayton.
Dwyer.	Leonard.
Greathouse.	McCullough.
Haag.	Ross.
Harris.	Sullivant.
Hester.	

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Hartzog.	of Dimmit.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 9, 1933.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has passed

S. B. No. 246, A bill to be entitled "An Act to amend Article 5368, Revised Civil Statutes of Texas of 1925, so as to constitute the owner of the soil the agent of the State to institute and prosecute in his own name any suit or suits to set aside for fraud or other illegality or invalidity any sale or lease to any person, firm, or corporation of the oil, gas, or other minerals, on or under any such land, and to validate all suits, heretofore brought, for such purposes by the owner of the soil and authorize the continued prosecution to final judgment of any such suits in the name of said owner and to make the said judgments rendered in said causes binding upon the State, and declaring an emergency."

S. B. No. 551, A bill to be entitled "An Act amending Article 2529, Chapter 1, Title 47, Revised Statutes, as amended by Chapter 57, First Called Session, Fortieth Legislature, as further amended by Chapter 124, General Laws, Regular Session, Forty-first Legislature, to authorize the State Depository Board to accept warrants drawn against the General Revenue Fund of the State as collateral to secure deposits made by the State in State depositories, and declaring an emergency."

The Senate has granted the request of the House for a conference committee on House Concurrent Resolution No. 71. The following have been appointed on the part of the Senate: Senators Woodward, Small, Regan, Moore, and Hornsby.

Respectfully,

BOB BARKER,
Secretary of the Senate.

NOTICES GIVEN

Mr. Chastain gave notice that he would, on the next legislative day, call up, for consideration at that time, the motion to reconsider the vote by which House Joint Resolution No. 25 was passed, which motion to reconsider had heretofore been spread on the Journal.

Mr. Butler gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 832, which bill had heretofore been laid on the table subject to call.

(Mr. Renfro in the Chair.)

PRESENTATION OF GIFT TO THE HON. VERNON LEMENS AND MISS LYLIA ENGBERG

Mr. McKee sent up, and had read, the following:

The first ray of a virgin dawn penetrates the darkened skyline of the horizon to the East, and out of the black chaos that shields today from yesterday is born a new era, characterized by the soft glow of a man's inspiration and the warm flush of a woman's love.

Basking in the benevolence of this sunburst, stands a solitary figure, his eyes turned toward the rising sun; then out of the East comes a wonderfully beautiful figure of a superb woman, and there in the dim light of that new day they join their hands and together begin their pilgrimage Westward, even as the fast-moving messengers of the sun spread brilliantly before them a carpet of tomorrow's light. Out of the beautiful space that is heaven, speaks the deliberate voice that is God's and by his ordinance, unframed by human tongue, he binds into a single union these pilgrims. Almost as if by magic from out the canopy of the clouds comes the slow trembling tones of a divine harp; the noise of humanity is hushed; the clamor of a thousand tongues that rises with the sun is stilled into mute silence; humanity lingers to listen under the touch of a golden spell. Then the ceremony is ended, the tide of a new century begins its incessant ebb and flow; people walk in the accustomed paths of untold centuries of time; only those Westward-bound pilgrims hold this hour, this ceremony, immortal.

Pausing now, in this feverish activity, the Forty-third Legislature pays tribute to its distinguished Member, the Hon. Vernon Lemens, and to his beautiful fiancée, Miss Lylia Engberg, for we recognize in them the pilgrim marchers toward the West. And as they pass us by, we, as their friends, their associates, and passers-by present them with this gift, our token of love and a reminder of our esteem and affection that shall abide with them now and forever.

And feverently in our hearts we wish for them a life of happiness, a voyage of success, a pilgrimage of constant companionship. In this hour

we erect a monumental stone that those who may hereafter pass along this way may know of the new union that was born here and may be inspired by the eternal happiness which was begun here.

On motion of Mr. McKee, the names of all the Members of the House were added to the memorial as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Anderson of Johnson, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Celaya, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Head, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holkamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, James, Jefferson, Johnson of Anderson, Johnson of Dimmit, Jones of Atascosa, Jones of Runnels, Jones of Shelby, Kayton, Kyle of Hays, Kyle of Palo Pinto, Laird, Latham, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moffett, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Puryear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Hunt, Rogers of Ochiltree, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Sullivan, Tarwater, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, Winningham, Wood, Young.

The Chair appointed Mr. McKee to escort Mr. Lemens and Miss Engberg to the Bar of the House.

Mr. McKee, on behalf of the Members of the House, then presented the Hon. Vernon Lemens and Miss Lydia Engberg with a waffle set.

Mr. Lemens then addressed the House, thanking the Members for the gift.

RECESS

On motion of Mr. Parkhouse, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 329 ON SECOND READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 329, A bill to be entitled "An Act to amend Sections 7, 20, 23, and 24, of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, and Sections 16 and 17, of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, as amended by Chapter 15, General Laws, Forty-first Legislature, Fifth Called Session, and Section 28, of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, as amended by Chapter 62, General Laws, Forty-first Legislature, Second Called Session, relating to regulating the avocation and art of barbering, prescribing such sanitary rules and regulations in order to insure the proper sanitary conditions, and to prevent the spreading of diseases, etc.; and declaring an emergency."

The bill was read second time.

Mr. Griffith offered the following committee amendments to the bill:

(1)

Amend House Bill No. 329 by striking out, below the enacting clause, in Section 20, on lines 6 and 7, the following: "three dollars (\$3)," and inserting in lieu thereof the following: "two dollars and fifty cents (\$2.50)."

(2)

Amend House Bill No. 329 by striking out, below the enacting clause, in Section 24, all of Subdivision (b) thereof and inserting in lieu thereof the following: "(b) Permitting any person in one's employ, supervision, or control, to practice as barber, or as-

sistant barber, unless that person has a certificate of registration as a registered assistant."

The amendments were severally adopted.

Mr. Burns offered the following amendment to the bill:

Amend House Bill No. 329, page 3, Section 6, by striking out the figures "\$15," and substitute in lieu thereof the figures "\$10."

BURNS,
TILLERY,
RAMSEY.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 329 was then passed to engrossment.

HOUSE BILL NO. 329 ON THIRD READING

Mr. Griffith moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 329 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93

Adamson.	Haag.
Aikin.	Hankamer.
Alexander.	Harman.
Alsup.	Harris.
Anderson	Head.
of Johnson.	Hill of Brazoria.
Barrett.	Hill of Webb.
Barron.	Hodges.
Beck.	Holland.
Bourne.	Huddleston.
Bradley.	Hughes.
Burns.	Hunt.
Calvert.	James.
Camp.	Jefferson.
Canon.	Jones of Runnels.
Clayton.	Jones of Shelby.
Coombes.	Kayton.
Cowley.	Kyle of Hays.
Crossley.	Kyle of Palo Pinto.
Dean.	Laird.
Engelhard.	Latham.
Fain.	Lindsey.
Few.	Long.
Fuchs.	Lotief.
Glass.	Mackay.
Golson.	Magee.
Goodman.	McDougald.
Greathouse.	Mitcham.
Griffith.	Moffett.

Moore.	Savage.
Morrison.	Scarborough.
Morse.	Shults.
Munson.	Smith.
Nicholson.	Stanfield.
Palmer.	Steward.
Parkhouse.	Stinson.
Ramsey.	Sullivant.
Ratliff.	Tennyson.
Ray.	Thomas.
Reader.	Tillery.
Reed of Dallas.	Townsend.
Renfro.	Turlington.
Riddle.	Wagstaff.
Roberts.	Walker.
Rogers	Wells.
of Ochiltree.	Winningham.
Rollins.	Young.
Russell.	

Nays—9

Baker.	Reed of Bowie.
Hicks.	Rogers of Hunt.
Hyder.	Stovall.
Merritt.	Wood.
Puryear.	

Present—Not Voting

Holekamp.

Absent

Anderson	Johnson
of Bexar.	of Anderson.
Butler.	Jones of Atascosa.
Cathey.	Lemens.
Caven.	Leonard.
Celaya.	Mathis.
Chastain.	McClain.
Colson.	McCullough.
Daniel.	McGregor.
Davidson.	McKee.
Devall.	Metcalf.
Dunlap.	Patterson.
Dunagan.	Pavlica.
Dwyer.	Pope.
Ford.	Ross.
Good.	Scott.
Graves.	Shannon.
Harrison.	Tarwater.
Hester.	Van Zandt.
Hoskins.	Vaughan.
Jackson.	Weinert.

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Fisher.	of Dimmit.
Hartzog.	

The Speaker then laid House Bill No. 329 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—95

Adamson.	Jones of Shelby.
Aikin.	Kayton.
Alexander.	Kyle of Hays.
Alsup.	Latham.
Anderson	Long.
of Johnson.	Lotief.
Barrett.	Mackay.
Barron.	Magee.
Beck.	McDougald.
Bourne.	McKee.
Bradley.	Mitcham.
Burns.	Moffett.
Calvert.	Moore.
Camp.	Morrison.
Canon.	Morse.
Cathey.	Munson.
Clayton.	Nicholson.
Coombes.	Palmer.
Cowley.	Parkhouse.
Crossley.	Ramsey.
Davidson.	Ray.
Dean.	Reader.
Engelhard.	Reed of Dallas.
Fain.	Renfro.
Few.	Riddle.
Ford.	Roberts.
Fuchs.	Rollins.
Glass.	Russell.
Golson.	Savage.
Good.	Shannon.
Goodman.	Shults.
Graves.	Smith.
Greathouse.	Stanfield.
Griffith.	Steward.
Haag.	Stinson.
Hankamer.	Sullivant.
Harman.	Tennyson.
Harris.	Thomas.
Head.	Tillery.
Hill of Brazoria.	Townsend.
Hill of Webb.	Turlington.
Holland.	Van Zandt.
Huddleston.	Vaughan.
Hughes.	Wagstaff.
Jackson.	Wells.
James.	Winningham.
Jefferson.	Wood.
Jones of Runnels.	Young.

Nays—13

Baker.	Ratliff.
Hicks.	Reed of Bowie.
Hunt.	Rogers of Hunt.
Hyder.	Scarborough.
Lindsey.	Stovall.
Merritt.	Walker.
Puryear.	

Present—Not Voting

Holekamp.	Tarwater.
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Absent

Anderson	Butler.
of Bexar.	Caven.

Celaya.	Laird.
Chastain.	Lemens.
Colson.	Leonard.
Daniel.	Mathis.
Devall.	McClain.
Dunlap.	McCullough.
Dunagan.	McGregor.
Dwyer.	Metcalf.
Harrison.	Patterson.
Hester.	Pavlica.
Hodges.	Pope.
Hoskins.	Rogers
Johnson	of Ochiltree.
of Anderson.	Ross.
Jones of Atascosa.	Scott.
Kyle of Palo Pinto.	Weinert.

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Fisher.	of Dimmit.
Hartzog.	

MOTION FOR SPECIAL ORDER

Mr. Van Zandt moved that House Bill No. 283 be set as a special order for 10 o'clock a. m., next Friday, May 12.

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—66

Adamson.	Jones of Shelby.
Aikin.	Kayton.
Alexander.	Kyle of Hays.
Anderson	Lindsey.
of Johnson.	Long.
Baker.	Lotief.
Barrett.	Mackay.
Barron.	McClain.
Bourne.	McCullough.
Camp.	Mitcham.
Canon.	Munson.
Dunagan.	Palmer.
Engelhard.	Pavlica.
Fain.	Puryear.
Few.	Ramsey.
Ford.	Ratliff.
Fuchs.	Ray.
Glass.	Reed of Bowie.
Golson.	Riddle.
Good.	Rogers of Hunt.
Goodman.	Rollins.
Graves.	Savage.
Griffith.	Scarborough.
Harris.	Shults.
Hicks.	Stanfield.
Hodges.	Steward.
Huddleston.	Stovall.
Hunt.	Sullivant.
Hyder.	Tennyson.
James.	Thomas.
Jones of Runnels.	Townsend.

Van Zandt.
Vaughan.
Wagstaff.

Walker.
Winningham.

Nays—43

Alsup.	Magee.
Beck.	McDougald.
Bradley.	McKee.
Calvert.	Merritt.
Cathey.	Moore.
Clayton.	Morrison.
Cowley.	Morse.
Crossley.	Nicholson.
Davidson.	Parkhouse.
Dean.	Reed of Dallas.
Greathouse.	Renfro.
Haag.	Roberts.
Hankamer.	Russell.
Head.	Shannon.
Hill of Webb.	Smith.
Holekamp.	Stinson.
Holland.	Tarwater.
Hughes.	Tillery.
Jackson.	Turlington.
Kyle of Palo Pinto.	Wells.
Laird.	Wood.
Latham.	

Present—Not Voting

Hill of Brazoria.

Absent

Anderson of Bexar.	Johnson of Anderson.
Burns.	Jones of Atascosa.
Butler.	Lemens.
Caven.	Leonard.
Celaya.	Mathis.
Chastain.	McGregor.
Colson.	Metcalf.
Coombes.	Moffett.
Daniel.	Patterson.
Devall.	Pope.
Dunlap.	Reader.
Dwyer.	Rogers
Harman.	of Ochiltree.
Harrison.	Ross.
Hester.	Scott.
Hoskins.	Weinert.
Jefferson.	Young.

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Fisher.	of Dimmit.
Hartzog.	

SPECIAL ORDER SET

Mr. Lotief moved that House Bill No. 337 be set as a special order for 10 o'clock a. m., Friday, May 12.

The motion prevailed.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 9, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 256, A bill to be entitled "An Act appropriating four million dollars (\$4,000,000) per year, or so much thereof as may be necessary, for the next two fiscal years for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations, and limitation relative thereto, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools, which meet the requirements of this Act, a term of a certain length, etc.; and declaring an emergency." (With amendment.)

S. B. No. 550, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue Fund of the State to the Secretary of State to be used in having the General and Special Laws of the Forty-third Legislature compiled, edited, indexed, printed, bound, and distributed; and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 226 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 226, A bill to be entitled "An Act to repeal and repealing Articles 6663 to 6674, inclusive, of the Revised Civil Statutes of Texas, 1925, and to create and creating an administrative board, to be known as the State Highway Commission, consisting of five members, to be appointed by the Governor of Texas, with advice and consent of the Senate of Texas, one from each State Highway District (defined and created in the Act) and to serve for terms of two

years and, thereafter, one of each member to be elected by the qualified voters of each such State Highway District for terms as provided for in the Act, etc.; and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—76

Alsup.	Latham.
Baker.	Long.
Barron.	Lotief.
Beck.	Mackay.
Bradley.	McClain.
Burns.	McCullough.
Cathey.	McDougald.
Chastain.	McKee.
Clayton.	Merritt.
Cowley.	Mitcham.
Davidson.	Moffett.
Dean.	Moore.
Devall.	Morrison.
Dunlap.	Morse.
Dunagan.	Nicholson.
Engelhard.	Pavlica.
Fain.	Puryear.
Fuchs.	Ramsey.
Glass.	Ray.
Golson.	Reader.
Good.	Reed of Bowie.
Goodman.	Rogers of Hunt.
Greathouse.	Rogers
Griffith.	of Ochiltree.
Harman.	Rollins.
Hicks.	Ross.
Hill of Brazoria.	Russell.
Holekamp.	Scott.
Holland.	Shults.
Huddleston.	Smith.
Hunt.	Stanfield.
Hyder.	Tarwater.
Jackson.	Thomas.
James.	Tillery.
Johnson	Townsend.
of Anderson.	Turlington.
Jones of Runnels.	Weinert.
Kayton.	Winningham.
Laird.	Young.

Nays—48

Adamson.	Graves.
Aikin.	Haag.
Alexander.	Hankamer.
Anderson	Harris.
of Johnson.	Head.
Barrett.	Hill of Webb.
Bourne.	Hodges.
Calvert.	Hughes.
Camp.	Jefferson.
Canon.	Kyle of Hays.
Coombes.	Lindsey.
Crossley.	Magee.
Few.	Metcalfe.
Ford.	Munson.

Palmer.	Stinson.
Parkhouse.	Stovall.
Ratliff.	Sullivant.
Reed of Dallas.	Tennyson.
Renfro.	Van Zandt.
Riddle.	Vaughan.
Roberts.	Wagstaff.
Savage.	Walker.
Scarborough.	Wells.
Shannon.	Wood.
Steward.	

Absent

Anderson	Hoskins.
of Bexar.	Jones of Atascosa.
Butler.	Jones of Shelby.
Caven.	Kyle of Palo Pinto.
Celaya.	Lemens.
Colson.	Leonard.
Daniel.	Mathis.
Dwyer.	McGregor.
Harrison.	Patterson.
Hester.	Pope.

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Fisher.	of Dimmit.
Hartzog.	

BILL AND RESOLUTION SIGNED
BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolution:

H. B. No. 22, "An Act to amend Article 5238, of Title 84, Revised Civil Statutes of the State of Texas, 1925, relating to landlords' liens, extending the lien to include all property of any subtenant of the tenant in such residence, storehouse, or other building, and declaring an emergency."

S. C. R. No. 56, Petitioning President Roosevelt in regard to oil industry.

HOUSE BILL NO. 279 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 279, A bill to be entitled "An Act amending Sections 3, 4, 6, 8, creating new Sections, to be known as Sections 8-a, 14, 15, 16, 17, 19, 20, and 23, of Chapter 107, Acts of the Regular Session of the Forty-first Legislature, relating to the creation

of the Board of Pharmacy and regulating pharmacies, drug stores, and the sale of drugs; and declaring an emergency."

The bill was read third time.

Mr. Morse moved the previous question on the passage of the bill, and the main question was ordered.

House Bill No. 279 was then passed by the following vote:

Yeas—58

Adamson.	Latham.
Alexander.	Long.
Bradley.	Mackay.
Calvert.	Magee.
Camp.	McClain.
Cathey.	McDougald.
Chastain.	Mitcham.
Clayton.	Moffett.
Coombes.	Moore.
Engelhard.	Morse.
Ford.	Munson.
Fuchs.	Nicholson.
Glass.	Patterson.
Goodman.	Pavlica.
Graves.	Ray.
Griffith.	Reader.
Haag.	Rogers
Hankamer.	of Ochiltree.
Hill of Webb.	Ross.
Holekamp.	Shults.
Holland.	Steward.
Hoskins.	Tennyson.
Hyder.	Townsend.
Jackson.	Turlington.
James.	Wagstaff.
Jefferson.	Walker.
Jones of Atascosa.	Weinert.
Kayton.	Wells.
Kyle of Palo Pinto.	Wood.
Laird.	

Nays—56

Aikin.	Hodges.
Alsup.	Huddleston.
Baker.	Hughes.
Barrett.	Hunt.
Beck.	Johnson
Bourne.	of Anderson.
Burns.	Jones of Runnels.
Canon.	Lindsey.
Celaya.	Lotief.
Cowley.	Merritt.
Crossley.	Morrison.
Davidson.	Palmer.
Dean.	Parkhouse.
Devall.	Puryear.
Dunagan.	Ramsey.
Fain.	Ratliff.
Few.	Reed of Bowie.
Golson.	Reed of Dallas.
Greathouse.	Renfro.
Hicks.	Riddle.
Hill of Brazoria.	Rogers of Hunt.

Rollins.	Stinson.
Russell.	Stovall.
Savage.	Tarwater.
Scarborough.	Thomas.
Scott.	Tillery.
Shannon.	Vaughan.
Smith.	Winningham.
Stanfield.	

Absent

Anderson	Hester.
of Bexar.	Jones of Shelby.
Anderson	Kyle of Hays.
of Johnson.	Lemens.
Barron.	Leonard.
Butler.	Mathis.
Caven.	McCullough.
Colson.	McGregor.
Daniel.	McKee.
Dunlap.	Metcalfe.
Dwyer.	Pope.
Good.	Roberts.
Harman.	Sullivant.
Harris.	Van Zandt.
Harrison.	Young.
Head.	

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Fisher.	of Dimmit.
Hartzog.	

HOUSE BILL NO. 256 WITH SENATE AMENDMENTS

Mr. Harman called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 256, A bill to be entitled "An Act appropriating four million dollars (\$4,000,000) per year, or so much thereof as may be necessary, for the next two fiscal years for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations, and limitation relative thereto, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools, which meet the requirements of this Act, a term of a certain length, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Harman moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the dif-

ferences between the two Houses on the bill.

Mr. Turlington moved that the House concur in the Senate amendments.

Mr. Stovall moved to table the motion by Mr. Turlington.

The motion to table prevailed.

Question then recurring on the motion by Mr. Harman, it prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee: Messrs. Harman, Butler, Riddle, Scott, and Sullivant.

HOUSE BILL NO. 313 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 313, A bill to be entitled "An Act prohibiting the transportation upon public highways of gasoline in excess of thirty (30) gallons with certain exceptions; providing for a penalty, and declaring an emergency."

The bill was read third time.

Mr. Rogers of Ochiltree offered the following amendment to the bill:

Amend House Bill No. 313 by changing the period, in line 18, page 1, to a comma, and adding the following: "or when fuel is being transported by the purchaser for use in agricultural pursuits."

ROGERS of Ochiltree.
ENGELHARD.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 313 was then passed by the following vote:

Yeas—83

Adamson.	Cowley.
Alexander.	Crossley.
Alsup.	Dean.
Anderson	Devall.
of Johnson.	Dunlap.
Barron.	Engelhard.
Burns.	Fain.
Calvert.	Ford.
Canon.	Fuchs.
Celaya.	Glass.
Chastain.	Golson.
Clayton.	Goodman.

Graves.	Ray.
Griffith.	Reader.
Haag.	Reed of Bowie.
Harman.	Renfro.
Harris.	Roberts.
Hicks.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hodges.	of Ochiltree.
Holland.	Rollins.
Hoskins.	Ross.
James.	Savage.
Jones of Atascosa.	Scarborough.
Jones of Runnels.	Shannon.
Kyle of Hays.	Shults.
Laird.	Smith.
Latham.	Steward.
Lemens.	Stinson.
Lindsey.	Stovall.
Lotief.	Sullivant.
Mackay.	Thomas.
Magee.	Tillery.
McClain.	Townsend.
Mitcham.	Turlington.
Moffett.	Van Zandt.
Moore.	Wagstaff.
Morse.	Walker.
Palmer.	Weinert.
Patterson.	Wells.
Pavlica.	Winningham.
Pope.	Wood.
Ramsey.	

Nays—31

Aikin.	Long.
Barrett.	McDougald.
Bourne.	Merritt.
Coombes.	Morrison.
Dunagan.	Munson.
Good.	Nicholson.
Hankamer.	Parkhouse.
Head.	Puryear.
Hill of Webb.	Ratliff.
Holekamp.	Reed of Dallas.
Huddleston.	Russell.
Hughes.	Stanfield.
Hunt.	Tarwater.
Hyder.	Tennyson.
Jefferson.	Vaughan.
Johnson	
of Anderson.	

Absent

Anderson	Harrison.
of Bexar.	Hester.
Baker.	Jackson.
Beck.	Jones of Shelby.
Bradley.	Kayton.
Butler.	Kyle of Palo Pinto.
Camp.	Leonard.
Cathey.	Mathis.
Caven.	McCullough.
Colson.	McGregor.
Daniel.	McKee.
Davidson.	Metcalfe.
Dwyer.	Riddle.
Few.	Scott.
Greathouse.	Young.

Absent—Excused

Bedford.	Holloway.
Duvall.	Johnson
Fisher.	of Dimmit.
Hartzog.	

HOUSE BILL NO. 322 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 322, A bill to be entitled "An Act to fix the tuition to be collected from students registering in the schools of collegiate rank, supported in whole or in part, by appropriation of public funds from the State Treasury, and empowering the State Board of Education to grant scholarships to such institutions, and prescribing the regulations therefor."

The bill was read third time.

Mr. Chastain offered the following amendment to the bill:

Amend House Bill No. 322 by striking out, in Section 1, the word "September," and insert in lieu thereof the word "June."

CHASTAIN,
WAGSTAFF.

The amendment was adopted.

Mr. Alsop offered the following amendment to the bill:

Amend House Bill No. 322, page 1, line 29, by striking out the words and figures "twenty-five dollars (\$25)" and inserting in lieu thereof the following: "fifteen dollars (\$15)."

ALSUP,
DUNAGAN.

The amendment was lost.

Mr. Clayton offered the following amendment to the bill:

Amend House Bill No. 322, Section 1, paragraph 1, by striking out all of said paragraph, and substituting in lieu thereof the following:

"From each resident student, who registers for twelve or more semester hours of work per semester of four and one-half (4½) months, twenty-five dollars (\$25) per semester; or, who registers for twelve or more term hours of work per term of three (3) months, sixteen dollars and sixty-seven cents (\$16.67) per term."

The amendment was adopted.

Mr. Clayton offered the following amendment to the bill:

Amend House Bill No. 322, Section 1, paragraph 2, by striking out said paragraph, and substituting in lieu thereof the following:

"2. From each non-resident student, who registers for twelve or more semester or term hours of work, an amount equivalent to the amount charged students from Texas by similar schools in the State of which the said non-resident student shall be a resident, said amount to be determined and fixed by the governing boards of the several institutions in which said students may register, but in no event shall such amount be less than that charged to students resident in Texas. Provided, however, that if this paragraph shall be held to be unconstitutional or void from any cause, there shall be collected from each non-resident student the sum of one hundred dollars (\$100) for each semester or sixty-six dollars and sixty-seven cents (\$66.67) for each term. A non-resident student is hereby defined to be a student of less than twenty-one (21) years of age, living away from his family and whose family resides in another State, or whose family has resided within this State for a period of time less than twelve (12) months prior to the date of registration, or a student of twenty-one years of age or over who resides out of the State, or who has resided within the State for a period of less than twelve (12) months prior to the date of registration."

The amendment was adopted.

Mr. Clayton offered the following amendment to the bill:

Amend House Bill No. 322, Section 1, paragraph 3, by striking out said paragraph, and substituting in lieu thereof the following:

"3. From each resident or non-resident student who registers for less than twelve semester or term hours of work, a sum proportionately less than that hereinabove prescribed therefor, provided each student registered shall pay no less than seven dollars and fifty cents (\$7.50) per semester nor less than five dollars (\$5) per term."

The amendment was adopted.

Mr. Clayton offered the following amendment to the bill:

Amend House Bill No. 322, Section 1, paragraph 5, by striking out the said paragraph, and substituting in lieu thereof the following:

"From each resident or non-resident student who registers for any course, or fraction of any course, because of previous unsatisfactory work therein, for the third time, or any greater number of times, an amount, in addition to those prescribed in paragraphs 1, 2, and 3, equivalent to four dollars (\$4) per semester hour, or two dollars and sixty-seven cents (\$2.67) per term hour for the semester or term hours involved."

Mr. Head moved to table the amendment, and the motion to table was lost.

Question then recurring on the amendment, it was lost.

Mr. Clayton offered the following amendment to the bill:

Amend House Bill No. 322, Section 1, by adding new paragraphs, after paragraph 5, to be numbered 6, 7, and 8, and reading as follows:

"6. From any student concerned, the following amounts for the special services indicated:

"For late registration, from one dollar (\$1) to five dollars (\$5);

"For changes in registration, one dollar (\$1) per course;

"For each examination given at any time, other than that set in connection with the regular work of the course, two dollars (\$2);

"For each diploma, five dollars (\$5);

"For more than one copy of student's records, one dollar (\$1) per copy.

"Provided, that the governing boards shall set the dates and fix the exact fees pertaining to the late registrations, and shall make such other interpretations and regulations as may be necessary for the purpose of administering the other provisions of the preceding part of this paragraph.

"7. From each student registering for a summer session, such amount as shall be fixed by the governing board of such institution, but in no event less than twenty dollars (\$20) for a twelve (12) weeks' session, nor more than thirty-five dollars (\$35) for a twelve (12) weeks' session. Provided, that the provisions of paragraphs 4, 5, and 6, as made above for long ses-

sions, shall also apply to summer sessions; and, provided further, that the provisions for proportional payments, set forth in paragraph 3 above for long sessions, shall also apply to any part of the summer sessions; provided, that each student registered for any part of any summer session shall pay no less than seven dollars and fifty cents (\$7.50).

"8. The foregoing provisions, requiring the governing boards to collect tuition, shall not be interpreted as depriving the said boards of the right to collect such library, laboratory, and other fees as they are now permitted by law to collect."

Mr. Kyle of Hays moved to table the amendment.

The motion to table was lost.

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—68

Adamson.	Lindsey.
Aikin.	Long.
Alexander.	Lotief.
Anderson	Mackay.
of Johnson.	McClain.
Barron.	McKee.
Beck.	Mitcham.
Canon.	Munson.
Cathey.	Parkhouse.
Celaya.	Patterson.
Chastain.	Pavlica.
Clayton.	Ratliff.
Coombes.	Ray.
Dean.	Reader.
Devall.	Reed of Bowie.
Dunagan.	Reed of Dallas.
Duvall.	Roberts.
Fuchs.	Rogers of Hunt.
Golson.	Rogers of Ochiltree.
Good.	Rollins.
Goodman.	Ross.
Haag.	Russell.
Hankamer.	Savage.
Harman.	Shannon.
Harris.	Smith.
Hester.	Stinson.
Holekamp.	Stovall.
Hunt.	Sullivant.
Hyder.	Thomas.
Jackson.	Vaughan.
Jones of Runnels.	Wagstaff.
Kayton.	Weinert.
Kyle of Palo Pinto.	Winningham.
Latham.	Young.
Lemens.	

Nays—46

Alsup.	Hughes.
Baker.	James.
Barrett.	Kyle of Hays.
Bradley.	Laird.
Burns.	Magee.
Calvert.	McDougald.
Camp.	Moffett.
Caven.	Moore.
Cowley.	Morrison.
Daniel.	Nicholson.
Davidson.	Palmer.
Dunlap.	Purveyar.
Fain.	Ramsey.
Ford.	Renfro.
Glass.	Riddle.
Greathouse.	Shults.
Griffith.	Stanfield.
Head.	Steward.
Hicks.	Tarwater.
Hill of Brazoria.	Tennyson.
Hodges.	Townsend.
Holland.	Turlington.
Hoskins.	Wood.

Absent

Anderson	Jones of Atascosa.
of Bexar.	Jones of Shelby.
Bourne.	Leonard.
Butler.	Mathis.
Colson.	McCullough.
Crossley.	McGregor.
Dwyer.	Merritt.
Engelhard.	Metcalfe.
Few.	Morse.
Graves.	Pope.
Harrison.	Scarborough.
Hill of Webb.	Scott.
Huddleston.	Tillery.
Jefferson.	Van Zandt.
Johnson	Walker.
of Anderson.	Wells.

Absent—Excused

Bedford.	Holloway.
Fisher.	Johnson
Hartzog.	of Dimmit.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 322 was then passed by the following vote:

Yeas—83

Adamson.	Bradley.
Aikin.	Calvert.
Alexander.	Camp.
Anderson	Canon.
of Johnson.	Cathey.
Barron.	Caven.
Beck.	Celaya.
Bourne.	Chastain.

Clayton.	Moore.
Coombes.	Munson.
Davidson.	Parkhouse.
Dean.	Pope.
Devall.	Purveyar.
Duvall.	Ratliff.
Ford.	Ray.
Fuchs.	Reader.
Golson.	Reed of Bowie.
Good.	Reed of Dallas.
Haag.	Roberts.
Hankamer.	Rogers of Hunt.
Harman.	Rogers
Harris.	of Ochiltree.
Hester.	Rollins.
Hill of Webb.	Ross.
Holekamp.	Savage.
Holland.	Scarborough.
Hoskins.	Shannon.
Hunt.	Shults.
Jackson.	Smith.
Jones of Atascosa.	Stinson.
Jones of Runnels.	Stovall.
Kayton.	Sullivant.
Kyle of Palo Pinto.	Tennyson.
Latham.	Thomas.
Lemens.	Turlington.
Lindsey.	Vaughan.
Long.	Wagstaff.
Lotief.	Walker.
Magee.	Weinert.
McClain.	Winningham.
McKee.	Wood.
Merritt.	Young.
Mitcham.	

Nays—40

Alsup.	James.
Baker.	Kyle of Hays.
Barrett.	Laird.
Burns.	McDougald.
Cowley.	McGregor.
Crossley.	Moffett.
Daniel.	Morrison.
Dunlap.	Morse.
Dunagan.	Nicholson.
Fain.	Palmer.
Glass.	Pavlica.
Greathouse.	Ramsey.
Griffith.	Renfro.
Head.	Riddle.
Hicks.	Russell.
Hill of Brazoria.	Stanfield.
Hodges.	Steward.
Huddleston.	Tarwater.
Hughes.	Tillery.
Hyder.	Townsend.

Absent

Anderson	Goodman.
of Bexar.	Graves.
Butler.	Harrison.
Colson.	Jefferson.
Dwyer.	Johnson
Engelhard.	of Anderson.
Few.	Jones of Shelby.

Leonard.	Patterson.
Mackay.	Scott.
Mathis.	Van Zandt.
McCullough.	Wells.
Metcalfe.	

Absent—Excused

Bedford.	Holloway.
Fisher.	Johnson
Hartzog.	of Dimmit.

Mr. Sullivant moved to reconsider the vote by which the bill was passed.

Mr. Alsup moved to table the motion to reconsider.

The motion to table was lost.

Question then recurring on the motion to reconsider the vote by which the bill was passed, it prevailed.

Mr. Kayton moved the previous question on the passage of the bill, and the main question was ordered.

House Bill No. 322 was then passed by the following vote:

Yeas—101

Adamson.	Holland.
Aikin.	Hoskins.
Alexander.	Hunt.
Anderson	Hyder.
of Johnson.	Jackson.
Barrett.	James.
Barron.	Jefferson.
Beck.	Jones of Atascosa.
Bourne.	Jones of Runnels.
Bradley.	Kayton.
Calvert.	Kyle of Palo Pinto.
Canon.	Latham.
Cathey.	Lemens.
Caven.	Leonard.
Chastain.	Lindsey.
Clayton.	Long.
Coombes.	Lotief.
Cowley.	Mackay.
Davidson.	Magee.
Dean.	Mathis.
Devall.	McClain.
Dunagan.	McCullough.
Duvall.	McKee.
Fain.	Merritt.
Few.	Metcalfe.
Ford.	Mitcham.
Fuchs.	Moore.
Golson.	Munson.
Good.	Palmer.
Goodman.	Parkhouse.
Haag.	Patterson.
Hankamer.	Pavlica.
Harman.	Puryear.
Harris.	Ratliff.
Hester.	Ray.
Hill of Webb.	Reader.
Hodges.	Reed of Bowie.
Holekamp.	Reed of Dallas.

Roberts.	Stovall.
Rogers of Hunt.	Sullivant.
Rogers	Tennyson.
of Ochiltree.	Thomas.
Rollins.	Turlington.
Ross.	Van Zandt.
Savage.	Vaughan.
Scarborough.	Wagstaff.
Scott.	Walker.
Shannon.	Weinert.
Shults.	Winningham.
Smith.	Wood.
Steward.	Young.
Stinson.	

Nays—32

Alsup.	Laird.
Baker.	McDougald.
Burns.	Moffett.
Camp.	Morrison.
Crossley.	Morse.
Daniel.	Nicholson.
Dunlap.	Pope.
Glass.	Ramsey.
Greathouse.	Renfro.
Griffith.	Riddle.
Head.	Russell.
Hicks.	Stanfield.
Hill of Brazoria.	Tarwater.
Huddleston.	Tillery.
Hughes.	Townsend.
Kyle of Hays.	Wells.

Absent

Anderson	Graves.
of Bexar.	Harrison.
Butler.	Johnson
Celaya.	of Anderson.
Colson.	Jones of Shelby.
Dwyer.	McGregor.
Engelhard.	

Absent—Excused

Bedford.	Holloway.
Fisher.	Johnson
Hartzog.	of Dimmit.

REASON FOR VOTE

I voted "yea" on the final passage of House Bill No. 322 for the following reasons:

1. Need of extra money with which to conduct summer schools.
2. To equalize the expenditures for higher education and rural education.
3. To place payment of fees on the basis of the number of courses registered for.

THOMAS.

HOUSE BILLS ON FIRST READING

Mr. Long moved to introduce, at this time, and have placed on their first reading, certain bills.

The motion prevailed by the following vote:

Yeas—111

Adamson.	Long.
Aikin.	Lotief.
Alexander.	Magee.
Alsup.	Mackay.
Anderson	McClain.
of Johnson.	McCullough.
Baker.	McDougald.
Barrett.	McKee.
Barron.	Merritt.
Beck.	Metcalf.
Bourne.	Moffett.
Bradley.	Moore.
Burns.	Morrison.
Calvert.	Morse.
Canon.	Munson.
Cathey.	Nicholson.
Celaya.	Palmer.
Clayton.	Parkhouse.
Coombes.	Patterson.
Cowley.	Pavlica.
Crossley.	Puryear.
Daniel.	Ramsey.
Davidson.	Ratliff.
Dean.	Ray.
Devall.	Reader.
Dunagan.	Reed of Bowie.
Duvall.	Reed of Dallas.
Fain.	Renfro.
Few.	Riddle.
Ford.	Roberts.
Fuchs.	Rogers of Hunt.
Glass.	Rollins.
Good.	Russell.
Goodman.	Savage.
Greathouse.	Scarborough.
Hankamer.	Scott.
Harris.	Shannon.
Head.	Shults.
Hester.	Smith.
Hill of Brazoria.	Stanfield.
Hodges.	Steward.
Holekamp.	Stinson.
Hoskins.	Stovall.
Huddleston.	Sullivant.
Hughes.	Tarwater.
Hyder.	Tennyson.
Jackson.	Townsend.
James.	Turlington.
Jones of Atascosa.	Van Zandt.
Jones of Runnels.	Vaughan.
Kayton.	Wagstaff.
Kyle of Hays.	Walker.
Kyle of Palo Pinto.	Weinert.
Laird.	Winningham.
Latham.	Wood.
Lindsey.	Young.

Nays—2

Hicks. Mitcham.

Absent

Anderson Butler.
of Bexar. Camp.

Caven.	Jefferson.
Chastain.	Johnson
Colson.	of Anderson.
Dunlap.	Jones of Shelby.
Dwyer.	Lemens.
Engelhard.	Leonard.
Golson.	Mathis.
Graves.	McGregor.
Griffith.	Pope.
Haag.	Rogers
Harman.	of Ochiltree.
Harrison.	Ross.
Hill of Webb.	Thomas.
Holland.	Tillery.
Hunt.	Wells.

Absent—Excused

Bedford.	Holloway.
Fisher.	Johnson
Hartzog.	of Dimmit.

HOUSE BILL NO. 426 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 426, A bill to be entitled "An Act to regulate the business of transporting persons for hire or for compensation over the public roads, highways, or bridges of the State of Texas, whether as a common carrier, contract or charter carrier, or as a transportation agency, or travel bureau for obtaining a co-traveler or co-travelers to share the expense of a trip or to act as an intermediary in connection therewith as broker, agent, or otherwise, whereby the expense of a trip or trips is to be shared or to solicit, induce, or encourage another to purchase an interest in a motor vehicle in violation of this Act unless the person, driver, or chauffeur in charge of the motor vehicle shall first comply with the laws of this State in connection with the obtaining of proper licenses, and requiring an examination of the public records in order to ascertain if the owner, chauffeur, driver, or operator of the motor vehicle has properly complied with the laws of this State, and to make the violation of this Act a misdemeanor, and declaring an emergency."

The bill was read third time.

Mr. Anderson of Bexar offered the following amendment to the bill:

Amend House Bill No. 426 by striking out all of Section 1-a, and inserting in lieu thereof the following:

"Section 1-a. Provided, this Act shall not apply to motor vehicles operating within the boundaries of any incorporated city or town and for the distance of five (5) miles outside the boundaries of any incorporated city or town."

The amendment was adopted.

House Bill No. 426 was then passed by the following vote:

Yeas—68

Adamson.	Kyle of Palo Pinto.
Alexander.	Latham.
Alsup.	Magee.
Anderson	Mathis.
of Johnson.	McCullough.
Barrett.	McDougald.
Barron.	McKee.
Bradley.	Moffett.
Cathey.	Moore.
Celaya.	Morse.
Chastain.	Parkhouse.
Clayton.	Patterson.
Cowley.	Pavlica.
Crossley.	Ramsey.
Devall.	Ratliff.
Dunlap.	Ray.
Dunagan.	Reader.
Duvall.	Reed of Dallas.
Ford.	Renfro.
Golson.	Roberts.
Griffith.	Rogers
Haag.	of Ochiltree.
Hankamer.	Rollins.
Harman.	Russell.
Hill of Brazoria.	Savage.
Hill of Webb.	Shannon.
Holekamp.	Shults.
Hoskins.	Steward.
Hughes.	Stinson.
Hyder.	Sullivant.
Jackson.	Turlington.
James.	Van Zandt.
Jefferson.	Wagstaff.
Jones of Shelby.	Weinert.
Kayton.	Young.

Nays—39

Aikin.	Laird.
Beck.	Lindsey.
Bourne.	Lotief.
Burns.	Merritt.
Coombes.	Morrison.
Daniel.	Munson.
Fain.	Palmer.
Fuchs.	Puryear.
Glass.	Reed of Bowie.
Good.	Riddle.
Greathouse.	Scarborough.
Head.	Scott.
Hodges.	Smith.
Holland.	Stanfield.
Huddleston.	Stovall.
Jones of Runnels.	Tarwater.

Tennyson.
Thomas.
Tillery.
Vaughan.

Walker.
Wells.
Winningham.

Absent

Anderson	Hunt.
of Bexar.	Johnson
Baker.	of Anderson.
Butler.	Jones of Atascosa.
Calvert.	Kyle of Hays.
Camp.	Lemens.
Canon.	Leonard.
Caven.	Long.
Colson.	Mackay.
Davidson.	McClain.
Dean.	McGregor.
Dwyer.	Metcalfe.
Engelhard.	Mitcham.
Few.	Nicholson.
Goodman.	Pope.
Graves.	Rogers of Hunt.
Harris.	Ross.
Harrison.	Townsend.
Hester.	Wood.
Hicks.	

Absent—Excused

Bedford.	Holloway.
Fisher.	Johnson
Hartzog.	of Dimmit.

HOUSE BILL NO. 484 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 484, A bill to be entitled "An Act providing for the repeal of Section 4-a, Chapter 22, General Laws of the Fifth Called Session of the Forty-first Legislature, being an Act providing for the sale of certain lands in Sabine Lake, and declaring an emergency."

The bill was read third time.

Mr. Morse moved the previous question on the passage of the bill, and the main question was ordered.

Mr. McDougald moved to reconsider the vote by which the previous question was ordered.

The motion to reconsider prevailed.

Question then recurring on the motion for the previous question, it was lost.

Mr. Morse moved the previous question on the passage of the bill, and the main question was ordered.

House Bill No. 484 was then passed by the following vote:

Yeas—71

Alsup.	Latham.
Anderson	Lemens.
of Johnson.	Leonard.
Barrett.	Lindsey.
Canon.	Lotief.
Cathey.	Mackay.
Chastain.	Mathis.
Clayton.	McClain.
Colson.	McCullough.
Coombes.	McGregor.
Crossley.	Metcalfe.
Daniel.	Moore.
Dunagan.	Morse.
Duvall.	Palmer.
Few.	Pavlica.
Ford.	Ramsey.
Fuchs.	Ratliff.
Glass.	Reed of Dallas.
Golson.	Riddle.
Good.	Rogers of Hunt.
Griffith.	Rogers of Ochiltree.
Haag.	Rollins.
Head.	Russell.
Hester.	Savage.
Hicks.	Scarborough.
Hill of Brazoria.	Scott.
Hill of Webb.	Smith.
Holekamp.	Steward.
Holland.	Sullivant.
Hunt.	Thomas.
Jackson.	Townsend.
James.	Turlington.
Jefferson.	Van Zandt.
Jones of Runnels.	Wells.
Jones of Shelby.	Wood.
Kyle of Palo Pinto.	Young.

Nays—36

Adamson.	McDougald.
Aikin.	Munson.
Barron.	Nicholson.
Burns.	Parkhouse.
Caven.	Pope.
Fain.	Puryear.
Goodman.	Ray.
Greathouse.	Reed of Bowie.
Hankamer.	Roberts.
Harman.	Shults.
Harris.	Stanfield.
Harrison.	Stinson.
Huddleston.	Stovall.
Hughes.	Tarwater.
Kayton.	Tillery.
Kyle of Hays.	Vaughan.
Laird.	Walker.
Magee.	Weinert.

Present—Not Voting

Alexander.	Merritt.
Baker.	Mitcham.
Bourne.	Moffett.
Dean.	Reader.
Devall.	Shannon.
Jones of Atascosa.	Tennyson.
McKee.	

Absent

Anderson	Graves.
of Bexar.	Hodges.
Beck.	Hoskins.
Bradley.	Hyder.
Butler.	Johnson
Calvert.	of Anderson.
Camp.	Long.
Celaya.	Morrison.
Cowley.	Patterson.
Davidson.	Renfro.
Dunlap.	Ross.
Dwyer.	Wagstaff.
Engelhard.	Winningham.

Absent—Excused

Bedford.	Holloway.
Fisher.	Johnson
Hartzog.	of Dimmit.

Mr. Chastain moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTES

We vote "nay" on House Bill No. 484, by Mr. Chastain, and give as our reasons the same language as expressed in an editorial on the front page of the Port Arthur News, under date of May 2, 1933, as follows, to wit:

"For a number of years H. L. McKee has enjoyed the moral support of the community in his efforts to clear away obstacles standing in the way of constructing a causeway between Port Arthur and Cameron Parish, Louisiana.

"Had the community more to give in realizing Mr. McKee's purpose, of benefits to the community that would be shared by all, there is little doubt that it would have been given, and thus the causeway become actual. . . .

"Assisting Mr. McKee in his then announced purpose were local civic agencies, and later a former Legislature, which gave McKee a grant of 1,895 acres of submerged land in Lake Sabine for \$1 an acre, providing McKee established a causeway within six years.

"We admit to considerable disappointment, therefore, a disappointment which we believe the greater part of the community will share, that Mr. McKee, now a Member of the Legislature, has used that office to secure passage by the House of a measure that will relieve him of the

requirement to construct the causeway, and still enable him to keep the land.

"We believe Mr. McKee is not showing good faith to the community; we believe he is taking advantage of the public that has so staunchly given him its moral support; we believe that he is not abiding by a strict interpretation of the ethics of his office as a Representative in the Legislature by securing passage of a bill of profitable consequence to himself at the sacrifice of the community's interest. . . .

"Mr. McKee's measure, its purpose selfish in the extreme, and at variance with usual conceptions of fair and square play, should be defeated. If Mr. McKee wishes to abandon his pledge to build, or have built, the causeway, in all decency he should abandon any claim of reward for that effort.

"In voting against the proposal, Representative McDougald and Representative Nicholson, fellow legislators also representing this district, did the manly and proper thing. The bill should be defeated. If allowed to stand and Mr. McKee be permitted to benefit on the pretext of a community service which he is absolved from performing, a new and dubious standard of conduct will be set up.

"This community has rights. They should be protected. We are disappointed that Mr. McKee, formerly so emphatic in their protection, should reverse his attitude and attempt to seize one vital part of them for himself."

McDOUGALD.
PARKHOUSE.

HOUSE BILL NO. 779 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 779, A bill to be entitled "An Act to provide for the repurchase of land set apart to build the Capitol that has been recovered by the State and appropriated to the Public Free School Fund, and heretofore purchased from the State, and forfeited, or that should be forfeited for non-payment of interest accrued prior to November 1, 1932, the owner of such land or part thereof at the date of forfeiture shall have a preference right for a period of ninety (90) days after the date of notice of revaluation

of such land to repurchase the same upon the terms and conditions provided in Chapter 94, page 267, Acts of 1925, as amended by the Act of 1926, Thirty-ninth Legislature, First Called Session, page 43, Chapter 25; and declaring an emergency."

The bill was read third time.

(Pending consideration of the bill, Mr. Moore occupied the Chair temporarily.)

(Speaker in the Chair.)

House Bill No. 779 was then passed by the following vote:

Yeas—64

Alexander.	McClain.
Anderson	McCullough.
of Johnson.	McGregor.
Baker.	McKee.
Bourne.	Merritt.
Chastain.	Mitcham.
Clayton.	Moffett.
Dean.	Moore.
Dunagan.	Morse.
Duvall.	Pavlica.
Ford.	Puryear.
Fuchs.	Ratliff.
Golson.	Reed of Bowie.
Greathouse.	Renfro.
Griffith.	Roberts.
Haag.	Rogers
Hankamer.	of Ochiltree.
Hicks.	Rollins.
Hill of Webb.	Savage.
Holekamp.	Scarborough.
Holland.	Scott.
Huddleston.	Shannon.
Hyder.	Shults.
Jackson.	Stanfield.
Jones of Atascosa.	Steward.
Jones of Runnels.	Tarwater.
Kyle of Hays.	Thomas.
Kyle of Palo Pinto.	Townsend.
Laird.	Van Zandt.
Latham.	Wagstaff.
Leonard.	Walker.
Lindsey.	Weinert.
Mackay.	Young.

Nays—49

Adamson.	Fain.
Aikin.	Glass.
Alsup.	Good.
Barrett.	Goodman.
Barron.	Harman.
Bradley.	Harris.
Canon.	Head.
Caven.	Hester.
Coombes.	Hodges.
Cowley.	Hoskins.
Crossley.	Hughes.
Daniel.	Hunt.

James.	Riddle.
Jefferson.	Russell.
Kayton.	Smith.
Lemens.	Stinson.
Magee.	Stovall.
Mathis.	Sullivant.
Morrison.	Tennyson.
Munson.	Tillery.
Palmer.	Turlington.
Parkhouse.	Vaughan.
Ramsey.	Winningham.
Ray.	Wood.
Reed of Dallas.	

Present—Not Voting

Burns.

Absent

Anderson	Harrison.
of Bexar.	Hill of Brazoria.
Beck.	Johnson
Butler.	of Anderson.
Calvert.	Jones of Shelby.
Camp.	Long.
Cathey.	Lotief.
Celaya.	McDougald.
Colson.	Metcalf.
Davidson.	Nicholson.
Devall.	Patterson.
Dunlap.	Pope.
Dwyer.	Reader.
Engelhard.	Rogers of Hunt.
Few.	Ross.
Graves.	Wells.

Absent—Excused

Bedford.	Holloway.
Fisher.	Johnson
Hartzog.	of Dimmit.

PAIRED

Mr. Burns (present), who would vote "nay," with Mr. Pope (absent), who would vote "yea."

Mr. Jones of Atascosa moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 717 ON SECOND READING

Mr. Daniel moved to take up, for consideration at this time, House Bill No. 717; which bill had heretofore been laid on the table subject to call; and due notice having been given that same would be called up today.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 717, A bill to be entitled "An Act to amend Articles 2592 and

2593-a, Revised Civil Statutes of Texas, 1925, as amended by Chapter 42, Section 1, General Laws of the Regular Session, Forty-second Legislature, page 63, so as to permit expenditure of a part of the University Available Fund for the salaries of officers, teachers, and employes, and for general maintenance of The University of Texas and the Agricultural and Mechanical College, same to be in addition to the purposes for which expenditure of said Fund has been heretofore authorized, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 717 ON THIRD READING

Mr. Daniel moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 717 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Adamson.	Hodges.
Aikin.	Holland.
Alexander.	Hoskins.
Alsup.	Huddleston.
Baker.	Hughes.
Barrett.	Hunt.
Barron.	Hyder.
Bourne.	James.
Bradley.	Jefferson.
Burns.	Jones of Atascosa.
Canon.	Jones of Runnels.
Coombes.	Kayton.
Cowley.	Kyle of Hays.
Crossley.	Kyle of Palo Pinto.
Daniel.	Laird.
Davidson.	Latham.
Dunagan.	Lemens.
Fain.	Leonard.
Few.	Lindsey.
Ford.	Lotief.
Fuchs.	Magee.
Glass.	McClain.
Golson.	McDougald.
Good.	McGregor.
Goodman.	McKee.
Greathouse.	Merritt.
Griffith.	Mitcham.
Haag.	Moffett.
Harman.	Moore.
Harris.	Morrison.
Head.	Morse.
Hester.	Munson.
Hicks.	Palmer.
Hill of Webb.	Parkhouse.

Pavlica.	Shults.
Ramsey.	Smith.
Ratliff.	Stanfield.
Ray.	Steward.
Reader.	Stinson.
Reed of Bowie.	Stovall.
Reed of Dallas.	Sullivant.
Renfro.	Tarwater.
Riddle.	Tennyson.
Roberts.	Thomas.
Rogers of Hunt.	Tillery.
Rogers	Townsend.
of Ochiltree.	Van Zandt.
Rollins.	Vaughan.
Russell.	Wagstaff.
Savage.	Walker.
Scarborough.	Weinert.
Scott.	Winningham.
Shannon.	Young.

Nays—1

Puryear.

Absent

Anderson	Hankamer.
of Bexar.	Harrison.
Anderson	Hill of Brazoria.
of Johnson.	Holekamp.
Beck.	Jackson.
Butler.	Johnson
Calvert.	of Anderson.
Camp.	Jones of Shelby.
Cathey.	Long.
Caven.	Mackay.
Celaya.	Mathis.
Chastain.	McCullough.
Clayton.	Metcalf.
Colson.	Nicholson.
Dean.	Patterson.
Devall.	Pope.
Dunlap.	Ross.
Duvall.	Turlington.
Dwyer.	Wells.
Engelhard.	Wood.
Graves.	

Absent—Excused

Bedford.	Holloway.
Fisher.	Johnson
Hartzog.	of Dimmit.

The Speaker then laid House Bill No. 717 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—110

Adamson.	Bradley.
Aikin.	Burns.
Alexander.	Canon.
Alsup.	Chastain.
Baker.	Coombes.
Barrett.	Cowley.
Barron.	Crossley.
Bourne.	Daniel.

Davidson.	McGregor.
Dean.	McKee.
Dunagan.	Merritt.
Fain.	Mitcham.
Few.	Moffett.
Ford.	Moore.
Fuchs.	Morrison.
Glass.	Munson.
Golson.	Palmer.
Good.	Parkhouse.
Goodman.	Pavlica.
Greathouse.	Ramsey.
Griffith.	Ratliff.
Haag.	Ray.
Hankamer.	Reader.
Harman.	Reed of Bowie.
Harris.	Reed of Dallas.
Harrison.	Renfro.
Head.	Riddle.
Hester.	Roberts.
Hicks.	Rogers of Hunt.
Hill of Brazoria.	Rogers
Hill of Webb.	of Ochiltree.
Hodges.	Rollins.
Holekamp.	Russell.
Holland.	Savage.
Hoskins.	Scarborough.
Huddleston.	Scott.
Hughes.	Shannon.
Hunt.	Shults.
Hyder.	Smith.
James.	Stanfield.
Jefferson.	Steward.
Jones of Atascosa.	Stinson.
Jones of Runnels.	Stovall.
Kayton.	Sullivant.
Kyle of Hays.	Tarwater.
Kyle of Palo Pinto.	Tennyson.
Laird.	Thomas.
Latham.	Tillery.
Lemens.	Townsend.
Leonard.	Van Zandt.
Lindsey.	Vaughan.
Lotief.	Wagstaff.
Magee.	Walker.
McClain.	Winningham.
McCullough.	Young.
McDougald.	

Present—Not Voting

Puryear.

Absent

Anderson	Devall.
of Bexar.	Dunlap.
Anderson	Duvall.
of Johnson.	Dwyer.
Beck.	Engelhard.
Butler.	Graves.
Calvert.	Jackson.
Camp.	Johnson
Cathey.	of Anderson.
Caven.	Jones of Shelby.
Celaya.	Long.
Clayton.	Mackay.
Colson.	Mathis.

Metcalfe.
Morse.
Nicholson.
Patterson.
Pope.

Ross.
Turlington.
Weinert.
Wells.
Wood.

Absent—Excused

Bedford.
Fisher.
Hartzog.

Holloway.
Johnson
of Dimmit.

NOTICE GIVEN

Mr. Russell gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 234, which bill had heretofore been laid on the table subject to call.

HOUSE BILL NO. 536 ON SECOND READING

Mr. Rogers of Ochiltree moved to take up, for consideration at this time, House Bill No. 536, which bill had heretofore been laid on the table subject to call, and due notice having been given that same would be called up today.

The motion prevailed.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 536, A bill to be entitled "An Act to amend Article 2846 and Article 2854, of the Revised Civil Statutes of Texas, 1925." (Relating to the printing, engraving, and binding and furnishing of textbooks.)

The bill was read second time.

Mr. Rogers of Ochiltree offered the following amendment to the bill:

Amend House Bill No. 536 by striking out all below the enacting clause, and inserting in lieu thereof the following:

"Section 1. That Article 2846, of the Revised Civil Statutes of 1925, be amended so as to hereafter read as follows:

"Article 2846. Notice of Meeting to Be Given. When texts are to be selected and adopted under the provisions of this law, or in the event a contract for a text then in use is about to expire, the chairman of the Commission shall, two months in advance of the meeting of the Commis-

sion at which time the adoption may be made, give public notice by having printed in the public press a notice to the effect that such meeting will be held and that adoptions will be made, and by sending written notices to all persons, firms, or corporations in whose behalf such notices shall have been requested. Such notices shall state the time and place of the meeting of the Commission, the subjects on which textbooks may be adopted, and the last date on which sample copies of books offered, prepared as provided in the succeeding paragraph of this Article, shall be deposited, the amount of the cash deposit required, the time allowed for signing contract and filing bond after award is made; and that formal proposals will be received on the date of the meeting. The notice shall further contain a stipulation that such bidder shall be required, in the performance of such contract, to do, or have done, all the press work and bindery work on said textbooks within the boundaries of the State of Texas; and, that, in case of books written for, and used exclusively by, the State of Texas, the composition, and engraving, and plate work thereon, as well as the press work and bindery work, shall be done within the boundaries of the State of Texas by the bidder, or his agent, in the performance of such contract; and provided that, except as just herein provided, the composition, engraving and plate work may, at the option of the bidder or publisher, be done outside of the State of Texas; and provided further, that it shall be optional with the Textbook Commission whether foreign language books and/or books of which less than ten thousand (10,000) copies will be used during the life of the contract, shall be manufactured within the boundaries of the State of Texas.

"Deposits of Samples. At least thirty days prior to the date of the meeting of the said Commission, every person, firm, or corporation desiring to submit bids shall file with the State Superintendent of Public Instruction nine copies of each book on which a bid will be submitted, in each of which copies there shall be printed or stamped a statement of the price at which such book and special editions thereof are sold in other places under

State or county adoptions, and the minimum quantities in which it will be sold at such prices, and there shall also be printed or stamped in such books a statement of the publisher's catalogue price of the same and special editions thereof, together with trade discounts and the conditions under which, and the purchasers to whom, such discounts are allowed, and the place of delivery. There shall also be printed or stamped in each book the price at which it is offered to Texas, f. o. b. the publisher's Texas depository, with and without exchange. There shall also be printed or stamped in each book, the minimum wholesale price at which such book, and special editions thereof, are sold f. o. b. the shipping point of the publisher, and the name of the shipping point shall also be stated.

"Bids and Cash Deposits. Bids, when filed by the publishers, shall state specifically at what price each book will be furnished, and such bid shall be accompanied by specimen copies of each book offered, and it shall be required that each bidder deposit with the Treasurer of the State of Texas such sum of money as the Commission may require, to be not less than five hundred dollars (\$500), nor more than twenty-five hundred dollars (\$2,500), according to the value of the books each bidder may propose to supply; and each bidder shall file with the Secretary of the Commission on the day that the Commission meets or within the last five (5) days just preceding the date on which such Commission meets, an affidavit executed by the individual bidder or a member of the firm or the president and secretary of the corporation bidding, which shall set forth all of the facts with reference to the eligibility of the bidder to make a proposal. Such deposit shall be forfeited to the State absolutely if such bidder so depositing shall fail or refuse to make and execute the contract and the bond required within such time as the Commission may require, which time shall be specified in the notice advertised. Such deposits shall be returned to the unsuccessful bidders on certificate of the State Superintendent that no contract has been awarded on the bid for which the sum was deposited."

"Sec. 2. That Article 2854, of the Revised Civil Statutes of Texas of 1925, be amended so as to hereafter read as follows:

"Article 2854. Each contract shall contain a stipulation that such bidder shall be required to do or have done all the press work and bindery work of such textbooks within the boundaries of the State of Texas; and, in the case of books written for and used exclusively by the State of Texas, the contract shall contain a further stipulation that all composition and engraving and plate work shall also be done within the boundaries of the State of Texas; and, at the option of the Textbook Commission, the contract shall contain a further stipulation that foreign language books and/or books of which less than ten thousand (10,000) copies will be used during the life of the contract shall be manufactured within the boundaries of the State of Texas; and each contract shall be duly signed by the publishing house or its authorized officers and agents; and, if such contract is found to be in accordance with all of the provisions of this Act and if the bond therein required is presented and duly approved, the Commission shall approve said contract and order it to be signed on behalf of the State by the Governor in his capacity as chairman. All contracts shall be made in duplicate, one copy to remain in the custody of the Secretary of State and be copied in full in the minutes of the meeting of the Commission in a well-bound book and the other copy to be delivered to the company or its agent."

"Sec. 3. In the event the publisher awarded the contract does not have facilities in Texas for doing the work required by this Act to be done within the boundaries of the State of Texas and contracts with a Texas printer to do this work, then the Texas printer doing such textbook work shall be required to give reasonable bond to said book publisher for the performance and delivery on the job awarded such Texas printer."

"Sec. 4. For the purpose of clarification the word 'publisher,' as here-in used, shall be defined to mean a corporation, partnership, association, or individual which or who shall re-

ceive an award to furnish school books to the State of Texas.

"Sec. 5. This Act shall have no effect on contracts in existence at the time of its passage, but shall govern all contract lettings made at all meetings of the Textbook Commission of Texas after the effective date hereof.

"Sec. 6. The cost to the State of Texas, of any textbook manufactured in the State of Texas, shall not be higher than the minimum cost of the same book to any other State, after all discounts have been deducted.

"Sec. 7. All laws or parts of laws in conflict herewith are hereby expressly repealed.

"Sec. 8. On account of the crowded condition of the calendar, and the fact that contracts for school books may be let during the time set by law, create an imperative demand and public necessity that the constitutional requirement, that bills be read on three several days in each House, be suspended, and said rule is hereby suspended, and this bill shall become effective from and after its passage."

Mr. Aikin offered the following amendment to the amendment:

Amend substitute to House Bill No. 536, page 4, line 8, by adding after the word "Texas" the following: "Provided further, that the finished product, including binding, engraving, and printing shall be done for the same or less cost for each basal book."

Question—Shall the amendment by Mr. Aikin be adopted?

BILL RE-REFERRED

Mr. Harman moved that Senate Bill No. 44 be withdrawn from the Committee on Insurance, and referred to the Committee on Municipal and Private Corporations.

The motion prevailed.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 246, to the Committee on Judiciary.

Senate Bill No. 551, to the Committee on Banks and Banking.

Senate Bill No. 550, to the Committee on Appropriations.

RECESS

Mr. Kyle of Hays moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Mathis moved that the House recess to 9:30 o'clock a. m., tomorrow.

The motion of Mr. Mathis prevailed, and the House, accordingly, at 5:45 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Education: House Bill No. 909.

Game and Fisheries: House Bills Nos. 920 and 926.

Constitutional Amendments: Senate Joint Resolution No. 4, House Joint Resolution No. 35, and House Bill No. 928.

State Affairs: House Concurrent Resolution No. 80, Senate Bill No. 137, and House Bill No. 869.

The Committee on Constitutional Amendments filed an adverse report on House Joint Resolution No. 19.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, May 8, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 279, A bill to be entitled "An Act amending Sections 2, 3, 4, 6, and 14, Chapter 107, Acts of the Regular Session of the Forty-first Legislature, relating to the creation of the Board of Pharmacy, and regulating pharmacies, drug stores, and the sale of drugs, medicines, and chemicals; placing all funds now held or collected by the Board of Pharmacy in the State Treasury in a Fund to be known as the Board of Pharmacy Fund, and appropriating said Fund for said purposes, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HARRISON, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 9, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 22, "An Act to amend Article 5238, of Title 84, Revised Civil Statutes of the State of Texas, 1925, relating to landlord's liens, extending the lien to include all property of any subtenant of the tenant in such residence, storehouse, or other building; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

GOOD, Acting Chairman.

SIXTY-SECOND DAY

(Continued)

(Wednesday, May 10, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

(Mr. Puryear in the Chair.)

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 10, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee on House Bill No. 256. The following have been appointed on the part of the Senate: Senators Greer, Holbrook, Sanderford, Duggan, Pace.

The Senate has adopted conference committee report on House Concurrent Resolution No. 71 by the following vote: Yeas, 30; nays, 0.

The Senate has adopted

S. C. R. No. 62, Requesting the Governor to return House Joint Resolution No. 14 to the Senate for further consideration.

The Senate has passed

S. B. No. 259, A bill to be entitled "An Act authorizing the governing boards of the Agricultural and Mechanical College of Texas including the State Agricultural Experiment Station System, and the Extension Service and Rodent Control Service, North Texas Agricultural College, John Tarleton Agricultural College, Prairie View State Normal and Industrial College, The University of Texas including all branches of the University and the College of Mines and Metallurgy at El Paso, College of Industrial Arts, Texas College of Arts and Industries, Texas Technological College, East Texas State Teachers College at Commerce, North Texas State Teachers College at Denton, Sam Houston State Teachers College at Huntsville, Stephen F. Austin State Teachers College at Nacogdoches, Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine, and the West Texas State Teachers College at Canyon to retain control of fees and other local institutional income collected at said schools; defining such fees and local institutional income; providing for depository banks, where said funds shall be deposited; providing for security for such deposits and the manner of making such deposits; providing for interest on said deposits; providing for terms of surety bonds furnished to secure such deposits and fixing the venue of suits to recover thereon; providing for separate accounts, showing the source of local fees collected and the purposes for which expended; providing for the handling of trust funds by said schools; providing for the printing of biennial reports showing all receipts and expenditures and for furnishing of said reports to certain State officers and Members of certain committees of the Legislature; providing that the provisions of this Act shall not apply to income from the University Permanent Fund, from inspection tax on feeding stuffs, and income from State forestry lands, or other income from inspection fees or service charges derived from the carrying out of governmental functions not educational in nature; providing for appropriation for said funds by the Legislature; providing